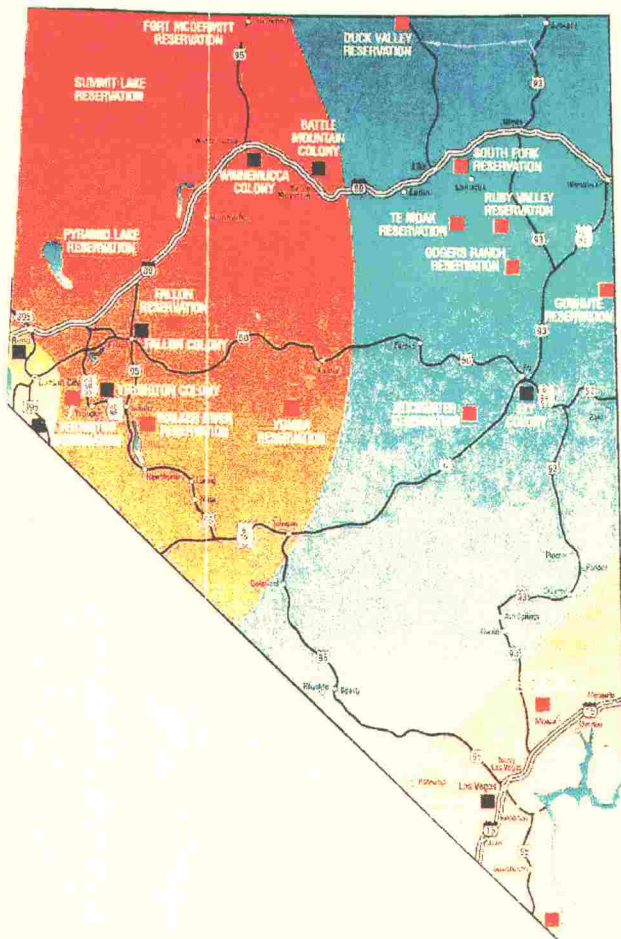


# District of Nevada Informational Resource Guide for Tribal Matters



Daniel G. Bogden  
United States Attorney  
District of Nevada

February 2010  
Edition 1

## Introduction

United States Attorney General Eric Holder has announced sweeping reforms intended to improve public safety on tribal land. The new directive is part of a larger Justice Department initiative to create better communication and coordination to fight crime and promote justice in Indian Country. In announcing the directive, Attorney General Holder noted, "The public safety challenges we face in Indian Country will not be solved by a single grant or a single piece of legislation. There is no quick fix. While today's directive is significant progress, we need to continue our efforts with federal, state and tribal partners to identify solutions to the challenges we face, and work to implement them."

In announcing the initiative, Attorney General Holder directed all United States Attorneys Offices with districts containing Indian Country (44 districts out of 93 districts) to: 1) meet and consult with tribes in their district annually; 2) develop an operational plan addressing public safety in Indian Country; 3) work closely with law enforcement to pay particular attention to violence against women in Indian Country and make these crimes a priority; and 4) to provide summaries of their operational plans to the Office of the Deputy Attorney General and make those summaries available to the tribes in their districts. The Attorney General also announced that the Justice Department's FY 2010 appropriation includes an additional \$6 million for Indian Country prosecution efforts. It is anticipated that at least 35 additional Assistant United States Attorneys and 12 additional FBI victim specialists will be added in offices with an Indian Country caseload.

These new resources will enable the Justice Department to bring the federal justice system closer to Indian Country, including a Community Prosecution Pilot Project that the Executive Office of United States Attorneys is currently developing. These new initiatives came about based upon recommendations that have been gathered by Department leadership as part of a larger department-wide initiative on public safety in tribal communities. As part of this effort, Deputy Attorney General David W. Ogden and Associate Attorney General Tom Perrelli conducted a series of meetings addressing violent crime in Indian Country. On October 28-29, 2009, Attorney General Holder convened a national tribal leaders listening session in St. Paul, Minnesota. Also in October, the Justice Department held its annual tribal consultation on violence against women, as required by the Violence Against Women Act of 2005. The department also had the opportunity to engage with tribal leaders on public safety in tribal communities during the White House Tribal Nations Conference in November 2009. In addition to these sessions with tribal leaders, department leadership has conducted meetings with Indian Country experts on law enforcement and public safety efforts. The net result is the Justice Department's initiative to create better communication and coordination to fight crime and promote justice in Indian Country.

In capitalizing on these Justice Department efforts and initiatives, our United States Attorney's Office has put together this District of Nevada Informational Resource Manual for Tribal Matters. The primary purpose of this manual is to provide information and a resource manual in a number of areas concerning Tribal matters. We have attempted to provide information in a number of areas, to include policies and procedures of the USAO with respect to Indian Country

investigations and prosecutions, federal offenses and their statutory elements, information concerning jurisdiction, maps of Nevada and our various Tribes and reservations, victim information and resources, Tribal profiles of each of our Tribes and reservations and pertinent points of contact for our Tribes, law enforcement partners, victims and witnesses. It is our hope and intention that the manual sets out the basic statutory framework used in federal prosecution of crimes in Indian Country. The manual addresses criminal jurisdiction in Indian Country and lists the relevant federal statutes and their elements. This manual does not purport to be comprehensive. Rather, its purpose is to provide an overview of the federal statutes applicable to Indian Country, protocols for our work, information concerning available resources and clarity regarding the commitment of our USAO in fighting crime on Tribal lands where we have jurisdiction to do so. The manual also includes Tribal profiles of each of our Nevada Tribes and reservations as well as victim resources and information. The goal of this manual is to assist each of our Tribes as well as our law enforcement partners in their important task of investigating federal crimes which occur on Tribal lands.

As noted by the comments and directives of Attorney General Holder, great efforts are being made to meet our responsibilities to enforce the law in order to enhance public safety in Indian Country. The goal of our USAO is to prosecute every viable (readily provable) case alleging a crime covered by the Major Crimes Act. For those felonies covered by the Major Crimes Act, the United States is tasked with enforcing the law. By prosecuting many different violations of the federal criminal law, our office attempts to promote respect for the law and to deter criminal behavior. We do have high expectations for the success of our prosecution of Indian Country cases and endeavor to prosecute as many readily provable cases as possible in order to enhance public safety in Indian Country. While public safety in Indian Country cannot be reduced to a quantitative exercise, the numbers of investigations and successful prosecutions do matter. At the end of the day, our goal is to make a difference and be known for our responsiveness and the completeness of investigations and prosecutions.

There may be a number of good ideas on how to improve our USAO relationships and our effectiveness. We would welcome such dialogue and suggestions. If my office or I, can be of any assistance in that regard, please do not hesitate to contact me at (702) 388-6567. We plan on updating this manual periodically with revisions and updates. Any and all comments, ideas, corrections and recommendations are welcome.

As we move forward with the directive and initiatives, I would like to acknowledge the USAO for the District of Montana for ideas and formats that have assisted in our compilation of this District of Nevada Informational Resource Manual for Tribal Matters. I would also like to thank the Federal Bureau of Investigation for all their work and assistance in drafting our Tribal Profiles, 2010. A special thanks goes to our Tribal Liaison/Tribal Prosecutor Sue Fahami, Glenda Newby and Debbie Waite of our Nevada USAO for all their work and dedication in putting together this informational resource manual.

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# JURISDICTION IN INDIAN COUNTRY

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## **JURISDICTION IN INDIAN COUNTRY**

Jurisdiction in Indian Country is based upon the unique sovereign relationship between the federal government and Indian tribes. Congress has criminalized certain acts that take place in Indian Country. The United States Attorneys Office intends to prosecute all readily provable felony and misdemeanor cases, arising in Indian Country, that are within the jurisdiction of this office. This section of the manual will provide a general outline concerning Indian Country jurisdiction (non-PL 280 states).

Federal courts have criminal jurisdiction over felony cases arising in Indian Country involving felonies where either the defendant or the victim is an Indian or both the defendant and the victim are Indian. Federal courts also have criminal jurisdiction over misdemeanors where the defendant is a non-Indian. Tribal courts have criminal jurisdiction, with a few exceptions, involving misdemeanors where both the defendant and victim are Indian. State courts have criminal jurisdiction, with a few exceptions, over misdemeanors and felonies where both the defendant and the victim are non-Indian. The chart below is a summary of jurisdictional parameters for prosecution of cases arising from Indian Country.

### **SUMMARY OF FEDERAL, STATE, AND TRIBAL JURISDICTION IN INDIAN COUNTRY**

OFFENDER	VICTIM	JURISDICTION
Indian	Indian	* Federal jurisdiction for felonies (1153 only). * Tribal jurisdiction for misdemeanors.
Indian	Non-Indian	* Federal jurisdiction for felonies (can use assimilated crimes). * Tribal jurisdiction for misdemeanors.
Non-Indian	Indian	* Federal jurisdiction for both felonies and misdemeanors (can use assimilated crimes).
Non-Indian	Non-Indian	* State jurisdiction for both felonies and misdemeanors.
Indian	Victimless Crime	* Primarily tribal jurisdiction. * Federal jurisdiction in some cases.
Non-Indian	Victimless Crime	* Primarily state jurisdiction. * Federal jurisdiction in some cases.



## **QUESTIONS TO ASK IN ORDER TO DETERMINE JURISDICTION TO PROSECUTE**

Prior to determining criminal jurisdiction for prosecuting a crime that has arisen in Indian Country, several questions must be answered.

First, where did the offense take place? Did the offense take place on an Indian reservation or colony?

Second, is the defendant Indian or non-Indian? Is the victim Indian or non-Indian?

Third, is the crime a misdemeanor or a felony?

Answering these questions will determine which entity has jurisdiction to prosecute the matter. Keep in mind, that at times, more than one entity will have jurisdiction to prosecute. In an event that happens, it is best for all entities, with concurrent jurisdiction to prosecute, to meet and confer in order to decide what the best course of action may be.

## **FEDERAL STATUTES RELATING TO INDIAN COUNTRY JURISDICTION**

### **1) What is Indian Country?**

#### **TITLE 18 U.S.C. § 1151. Indian Country Defined**

“Except as otherwise provided in sections 1154 and 1156 of this title, the term “Indian country,” as used in this chapter, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.”

## 2) Federal Jurisdiction in Indian Country

### TITLE 18 U.S.C. § 1152. Law Governing

“ Except as otherwise expressly provided by law, the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

This section shall not extend to offenses committed by one Indian against the person or property of another Indian, nor to any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.”

### TITLE 18 U.S.C. § 1153. Offenses Committed Within Indian Country

“(a) Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnaping, maiming, a felony under chapter 109A, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury (as defined in section 1365 of this title), an assault against an individual who has not attained the age of 16 years, felony child abuse or neglect, arson, burglary, robbery, and a felony under section 661 of this title within the Indian country, shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.

(b) Any offense referred to in subsection (a) of this section that is not defined and punished by Federal law in force within the exclusive jurisdiction of the United States shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.”

## WHO IS AN INDIAN?

This question is not defined by federal statute and is subject to judicial interpretation. The most common way to answer this question is to determine whether or not an individual is a member of a federally recognized tribe. However, it is important to note, that an individual may be considered to be an Indian even if he/she is not a member of a federally recognized tribe. The Supreme court in United States v. Rogers, 45 U.S. 567 (1846) created a two prong test:

- 1) degree of blood (slight degree is sufficient); and
- 2) whether the person is recognized as an Indian by the tribe or the federal government.

The second prong is outlined in United States v. Bruce, 394 F. 3d 1215, 1224 (9<sup>th</sup> Cir. 2005). Four factors are considered: 1) tribal enrollment; 2) government recognition formally and informally through receipt of assistance reserved only to Indians; 3) enjoyment of the benefits of tribal affiliation; and 4) social recognition as an Indian through residence on a reservation and participation in Indian social life.

GEOGRAPHICAL MAKEUP OF INDIAN TRIBES  
IN THE DISTRICT OF NEVADA

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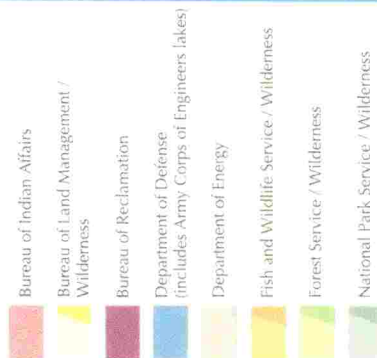
## **GEOGRAPHICAL MAKEUP OF INDIAN TRIBES IN THE DISTRICT OF NEVADA**

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The Indian Country program in the District of Nevada includes the prosecution of crimes occurring on Indian reservations and colonies (18 U.S.C. § 1151, *et seq.*) as well as outreach to these communities to maintain an awareness of tribal governance, improvement of law enforcement and community policing.

Nevada is a diverse district that is characterized by two densely populated areas (Las Vegas and Reno) and many small geographically isolated rural communities. The Native American communities are dispersed throughout the district, accounting for 26 Tribes (31 reservations and colonies). Many of these Tribes are located in isolated areas throughout the District of Nevada.

# FEDERAL LANDS AND INDIAN RESERVATIONS



Some small sites are not shown, especially in urban areas.



## Abbreviations

ATF	Air Force Base
IR	Indian Reservation
NAS	Naval Air Station
NCA	National Conservation Area
NF	National Forest
NP	National Park
NWR	National Wildlife Refuge
WMA	Wildlife Management Area



U.S. Department of the Interior  
U.S. Geological Survey

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## INDIAN RESERVATIONS AND COLONIES IN NEVADA

### Duck Valley Shoshone-Paiute Tribes (1)

P.O. Box 219  
Owyhee, Nevada 89832  
Phone: (208) 759-3100  
Fax: (208) 759-3102

### Duckwater Shoshone Tribe (2)

P.O. Box 140068  
Duckwater, Nevada 89314  
Phone: (775) 863-0227  
Fax: (775) 863-0301

### Ely Shoshone Council (3)

16 Shoshone Circle  
Ely, Nevada 89301  
Phone: (775) 289-3013  
Fax: (775) 289-3156

### Fallon Paiute-Shoshone Tribes (4,5)

565 Rio Vista Drive  
Fallon, Nevada 89406  
Phone: (775) 423-6075  
Fax: (775) 423-6202

### Fort McDermitt Paiute-Shoshone Tribes (6,7)

P.O. Box 457  
McDermitt, Nevada 89421  
Phone: (775) 532-8259  
Fax: (775) 532-8487

### Fort Mojave Indian Tribe (8)

500 Merriman Street  
Needles, California 92363  
Phone: (760) 629-4591  
Fax: (760) 629-5767

### Goshute Business Council (9)

P.O. Box 6104  
Ibapah, Utah 84034  
Phone: (435) 234-1138  
Fax: (435) 234-1162

### Las Vegas Paiute Tribe (10,11)

1 Paiute Drive  
Las Vegas, Nevada 89106  
Phone: (702) 386-3926  
Fax: (702) 383-4019

### Lovelock Paiute Tribe (12)

P.O. Box 878  
Lovelock, Nevada 89419  
Phone: (775) 273-7861  
Fax: (775) 273-1144

### Moapa Business Council (13)

P.O. Box 340  
Moapa, Nevada 89025  
Phone: (702) 865-2787  
Fax: (702) 865-2875

### Pyramid Lake Paiute Tribe (14)

P.O. Box 256  
Nixon, Nevada 89424  
Phone: (775) 574-1000  
Fax: (775) 574-1008

### Reno-Sparks Indian Colony (15,16)

98 Colony Road  
Reno, Nevada 89502  
Phone: (775) 329-2936  
Fax: (775) 329-8710

### Summit Lake Paiute Tribe (17)

653 Anderson Street  
Winnemucca, Nevada 89445  
Phone: (775) 623-5151  
Fax: (775) 623-0558

### Te-Moak Tribal Council

525 Sunset Street  
Elko, Nevada 89801  
Phone: (775) 738-9251  
Fax: (775) 738-2345

### Battle Mountain Band Council (18)

37 Mountain View Drive, Suite C  
Battle Mountain, Nevada 89820  
Phone: (775) 635-2004  
Fax: (775) 635-8016

### Elko Band Council (19)

1745 Silver Eagle Drive  
Elko, Nevada 89801  
Phone: (775) 738-8889  
Fax: (775) 753-5439

### South Fork Band Council (20,21)

21 Lee, Unit B13  
Spring Creek, Nevada 89815  
Phone: (775) 744-4273  
Fax: (775) 744-4523

### Wells Band Council (22)

P.O. Box 809  
Wells, Nevada 89835  
Phone: (775) 752-3045  
Fax: (775) 752-2179

### Timbisha Shoshone Tribe (23)

785 North Main Street, Suite Q  
Bishop, California 93514  
Phone: (760) 873-9003  
Fax: (760) 873-9004

### Walker River Paiute Tribe (24)

P.O. Box 220  
Schurz, Nevada 89427  
Phone: (775) 773-2306  
Fax: (775) 773-2585

### Washoe Tribe of Nevada & California

919 Highway 395 South  
Gardnerville, Nevada 89410  
Phone: (775) 265-4191  
Fax: (775) 265-6240

### Carson Colony Community Council (25)

2900 South Curry Street  
Carson City, Nevada 89703  
Phone: (775) 883-6459  
Fax: (775) 883-6467

### Dresslerville Community Council (26)

919 Highway 395 South  
Gardnerville, Nevada 89410  
Phone: (775) 265-4191  
Fax: (775) 265-6240

### Stewart Community Council (27)

5300 Snyder Avenue  
Carson City, Nevada 89701  
Phone: (775) 883-7794  
Fax: (775) 883-5679

### Woodlands Community Council (28)

96 Washoe Boulevard  
Markleeville, California 96120  
Phone: (530) 694-2170

### Winnemucca Colony Council (29)

P.O. Box 1370  
Winnemucca, Nevada 89446  
Phone: (775) 623-0888  
Fax: (775) 623-6918

### Yerington Paiute Tribe (30,31)

171 Campbell Lane  
Yerington, Nevada 89447  
Phone: (775) 463-3301  
Fax: (775) 463-2416

### Yomba Tribal Council (32)

H.C. 61 Box 6275  
Austin, Nevada 89310  
Phone: (775) 964-2463  
Fax: (775) 964-2443

## RELATED ORGANIZATIONS

### Nevada Indian Commission

5366 Snyder Avenue  
Carson City, Nevada 89701  
Phone: (775) 687-8333  
Fax: (775) 687-8330

### Nevada Urban Indians, Inc.

5301 Longley Way, Suite 178  
Reno, Nevada 89511  
Phone: (775) 788-7600  
Fax: (775) 788-7611

### Inter-Tribal Council of Nevada

680 Greenbrae Drive, Suite 280  
Sparks, Nevada 89431  
Phone: (775) 355-0600  
Fax: (775) 355-0648  
<http://itcn.org>

### Las Vegas Indian Center, Inc.

2300 West Bonanza Road  
Las Vegas, Nevada 89107  
Phone: (702) 647-5842  
Fax: (702) 647-2647

# INVESTIGATIVE GUIDELINES

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## INVESTIGATIVE GUIDELINES

Pursuant to the Memorandum of Understanding between the Department of Interior and the Department of Justice, these guidelines set forth the respective investigative responsibilities of the Federal Bureau of Investigation, Bureau of Indian Affairs, and Tribal Law Enforcement entities. These guidelines are intended to provide for the effective and efficient administration of criminal investigative service in Indian Country. These guidelines govern the investigation of cases arising on reservation lands which involve violations of federal law, including, but not limited to, violations set forth in 18 U.S.C. §§ 1152 and 1153.

The paramount principle to be served by these guidelines is the proper and thorough preparation of cases for prosecution. The goals of these guidelines are to provide for the rights of victims of crime in Indian Country and to identify and prosecute the offenders.

Pursuant to 28 U.S.C. § 533 and direction of the Attorney General, the FBI has investigative jurisdiction on Indian reservations. The BIA's investigative authority derives from the Indian Law Enforcement Reform Act, 25 U.S.C. § 2801, *et seq.*, and extends only to those Tribes requesting assistance.

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
UNITED STATES DEPARTMENT OF INTERIOR  
BUREAU OF INDIAN AFFAIRS  
AND THE  
UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

I. PURPOSE

This Memorandum of Understanding (MOU) is made by and between the United States Department of Interior (DOI) and the Department of Justice (DOJ) pursuant to the Indian Law Enforcement Reform Act (Act), 25 U.S.C. 2801 *et seq.* The purpose of this MOU is to establish guidelines regarding the respective jurisdictions of the Bureau of Indian Affairs (BIA) and the Federal Bureau of Investigation (FBI) in certain investigative matters, and to provide for the effective and efficient administration of criminal investigative service in Indian country.

II. BUREAU OF INDIAN AFFAIRS JURISDICTION

The Act establishes a Branch of Criminal Investigations within the Division of Law Enforcement (DLE) of the BIA, which shall be responsible for providing, or for assisting in the provision of, law enforcement services in Indian country. The responsibilities of the DLE shall include, inter alia, the enforcement of federal law and, with the consent of the Indian tribe, Tribal law; and in cooperation with appropriate federal and Tribal law enforcement agencies, the investigation and presentation for prosecution of cases involving violations of 18 U.S.C. 1152 and 1153 within Indian country (and other federal offenses for which the parties have jurisdiction). In addition, the Act authorizes the Secretary of the Interior to develop interagency agreements with the Attorney General and provides for the promulgation of prosecutorial jurisdictional guidelines by United States Attorneys (USA).

III. FEDERAL BUREAU OF INVESTIGATION JURISDICTION

The FBI derives its investigative jurisdiction in Indian country from 28 U.S.C. 533, pursuant to which the FBI was given investigative responsibility by the Attorney General. Except as provided in 18 U.S.C. 1162(a) and (c), the jurisdiction of the FBI includes, but is not limited to, certain major crimes committed by Indians against the persons or property of Indians and non-Indians, all offenses committed by Indians against the persons or property of non-Indians and all offenses committed by non-Indians against the persons or property of Indians. See 18 U.S.C. 1152 and 1153.

#### IV. GENERAL PROVISIONS

1. Each USA whose criminal jurisdiction includes Indian country shall develop local written guidelines outlining responsibilities of the BIA, the FBI, and the Tribal Criminal Investigators, if applicable. Local USA guidelines shall cover 18 U.S.C. 1152 and 1153 offenses and other federal offenses within the investigative jurisdiction of the parties to this MOU.
2. Any other agreements that the DOI, DOJ, and Indian Tribes may enter into with or without reimbursement of personnel or facilities of another federal, Tribal, state, or other government agency to aid in the enforcement of criminal laws of the United States shall be in accord with this MOU and applicable federal laws and regulations.
3. The Secretary will ensure that law enforcement personnel of the BIA receive adequate training, with particular attention to report writing, interviewing techniques and witnesses statements, search and seizure techniques and preservation of evidence and the crime scene. Successful completion of the basic Criminal Investigator course provided by the Department of the Treasury at the Federal Law Enforcement Training Center or its equivalent shall constitute the minimum standard of acceptable training. The BIA may consult with the FBI and other training sources with respect to such additional specialized training as may be desirable. United States Attorneys may also require, and participate in, training at the field level.
4. Any contracts awarded under the Indian Self-Determination Act to perform the function of the BIA, Branch of Criminal Investigators, must comply with all standards applicable to the Branch of Criminal Investigators, including the following:
  - a. Local USA guidelines must be followed.
  - b. Criminal Investigators must be certified Peace Officers and must have satisfactorily completed the basic Criminal Investigator course provided by the Department of Treasury at the Federal Law Enforcement Training Center, or an equivalent course approved by the Commissioner of Indian Affairs. Criminal Investigators will receive a minimum of 40 hours in-service training annually to keep abreast of developments in the field of criminal investigations.
  - c. Compensation for Criminal Investigators must be comparable to that of BIA Criminal Investigators.
  - d. Criminal Investigators must be United States citizens.

- e. Criminal Investigators must possess a high school diploma or its equivalent.
- f. No Criminal Investigator shall have been convicted of a felony offense or crime involving moral turpitude.
- g. Criminal Investigators must have documentation of semi-annual weapons qualifications.
- h. Criminal Investigators must be free from physical, emotional, or mental conditions which might adversely affect their performance as law enforcement officers.
- i. Criminal Investigators must be certified by Tribal officials as having passed a comprehensive background investigation, including unannounced drug testing. Such examinations must be documented and available for inspection by the BIA.
- j. Appropriate procedures shall be devised to provide adequate supervision of Criminal Investigators by qualified supervisory personnel to ensure that investigative tasks are properly completed.
- k. When a tribe is awarded a contract under the Indian Self-Determination Act, 25 U.S.C. 450(a), there must be a "phase-in" period of not less than 180 days so as to ensure an orderly transition from one law enforcement agency to another. When a Tribe retrocedes its contract for the Criminal Investigator function, there must be a one-year time period from the date of request for retrocession, or a date mutually agreed upon by the BIA and the Tribe, for the BIA to prepare for reassuming the Criminal Investigation responsibility. All case files, evidence, and related material and documents associated with active and closed investigations must be turned over to the receiving criminal investigative agency, whether it be the BIA or a Tribe.
- l. Appropriate procedures shall be established with respect to the storage, transportation and destruction of, and access to, case files, evidence, and related documents and other material, with particular attention directed to the confidentiality requirements of 18 U.S.C. 3509(d) and Rule 6(e) of the Federal Rules of Criminal Procedure. Criminal Investigators shall follow these procedures at all times. Access to such material will be for official use only.
- m. Before any Tribe contracts for the Criminal Investigator function, the BIA and the Tribe must ensure that there is sufficient funding to cover the costs



of a Criminal Investigator program including salary, equipment, travel, training, and other related expenses arising during both the investigation stage and the litigation stage of any case or matter covered by the contract.

- n. Tribal contractors must agree, and the BIA shall ensure, that there is an audit and evaluation of the overall contracted Criminal Investigator program at least every two years. Continuation of the contract shall be contingent upon successful completion of each audit and evaluation.
  - o. Criminal Investigators are prohibited from striking, walking off the job, feigning illness, or otherwise taking any job action that would adversely affect their responsibility and obligation to provide law enforcement services in their capacity as Criminal Investigators.
- 5. Any individual who is a holder of a BIA Deputy Special Officer Commission and performing duties as a Criminal Investigator must comply with the standards applicable to Criminal Investigators set forth in the preceding paragraph.
  - 6. When either the FBI or the BIA receives information indicating a violation of law falling within the investigative jurisdiction of the other agency, the agency receiving the information will notify the other agency. If either the FBI or the BIA declines to investigate a matter within the jurisdiction of both agencies, the other agency will be notified. The FBI and the BIA will attempt to resolve jurisdictional disputes at the field level. In the event the dispute cannot be resolved, it will be reviewed by each agency's respective headquarters for resolution.
  - 7. With respect to the use of sensitive investigative techniques, such as the nonconsensual interception of wire, oral or electronic communications and undercover operations involving any sensitive circumstance (as defined in the Attorney General's Guidelines for FBI Undercover Operations), and the investigation of organized crime matters, the FBI shall be the agency primarily responsible. Undercover operations involving sensitive circumstances shall be conducted in accordance with the Attorney General's for FBI Undercover Operations. This paragraph is not intended to prohibit the BIA from conducting consensual eavesdropping or undercover operations not involving a sensitive circumstance or utilizing other nonsensitive investigative techniques after proper training and when authorized by the appropriate United States Attorney.
  - 8. Nothing in this MOU is intended to change any existing cooperative relationships and responsibilities between the BIA and FBI, and nothing in this MOU shall invalidate or diminish any law enforcement authority or responsibility of either agency.

9. Consistent with the availability of resources, the FBI will offer specialized training to the BIA.
10. Consistent with limitations regarding confidentiality, the requirements of the Privacy Act and any other applicable laws, and respective policies and procedures, the BIA and the FBI will cooperate on investigative matters of mutual interest, exchange intelligence, and investigative reports, as appropriate.
11. To the extent possible and in consideration of limited resources, the FBI will continue to assist the BIA in its investigative matters by providing investigative support services through the Identification Division, Training Division, Criminal Investigative Division and Laboratory Division.

This document constitutes the full and complete agreement between the BIA and the FBI. Modifications to this MOU will have no force and effect unless and until such modifications are reduced to writing and signed by an authorized representative of the parties thereto. This MOU will, at regular intervals, be subjected to a thorough review to determine if changes are appropriate.

The provisions set forth in this MOU are solely for the purpose of internal guidance of components of the Department of the Interior and the Department of Justice. This MOU does not, is not intended to, shall not be construed to, and may not be relied upon to, create any substantive or procedural rights enforceable at law by any party in any matter, civil, or criminal. This MOU does not, is not intended to, and shall not be construed to, exclude, supplant or limit otherwise lawful activities of the Department of Interior or the Department of Justice.

By subscription of their signature below, the parties acknowledge that they have read, understand, and will abide by the foregoing statements.

Bruce Babbitt  
Secretary  
United States Department of Interior  
September 3, 1993

Janet Reno  
Attorney General  
United States Department of Justice  
November 22, 1993

PROSECUTION IN FEDERAL COURT

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## PROSECUTION IN FEDERAL COURT

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If a federal law enforcement agency wishes to have a case prosecuted in federal court, the lead federal investigative agency should prepare a complete investigative report and submit it to the United States Attorney's Office. Within 24 hours, the case will be assigned to an Assistant United States Attorney (AUSA) in the office and the lead federal law enforcement agency will receive a letter informing them of the AUSA who has been assigned to the matter.

If the assigned AUSA determines that a case is not viable for prosecution, the AUSA will draft a letter declining that matter. The letter will explain the reason for the declination. The declination letter is then reviewed by the assigned AUSA's supervisor prior to being sent to the lead agency. The United States Attorney's Office does not decline cases orally and will only decline a case based on a written request for prosecution.

The lead agency will be responsible for conducting the investigation, presenting the case to the United States Attorney's Office and assisting the AUSA assigned to the case through all stages of the case. The majority of the Indian Country cases submitted for prosecution in the District of Nevada consist of joint investigations by multiple agencies. Such investigations are encouraged, but not required. However, only one agency will be considered the lead agency.

It is the duty of the lead agency to inform the other investigative agencies of the status of the case. Once the case is concluded, whether by a plea of guilty or a jury trial, the United States Attorney's Office will notify the lead agency of the final results. It will be the duty of the lead agency to inform the other investigative agencies of the final outcome of the case.

Furthermore, the progress and final results of all charged Indian Country cases are reported in the *Native American Network* several times a year. The *Native American Network* is a publication that the United States Attorney's office in the District of Nevada sends out several times a year. The *Native American Network* serves several purposes, but mainly serves as a community outreach tool. The publication notifies the Tribes of upcoming events, including the statewide Native American Conference, various grants, and it also provides a summary and update for all Indian Country cases that have been charged in the District of Nevada. The

“case tracking method,” through the *Native American Network*, allows all Tribal officials and members to view the progress and eventual outcome of Indian Country cases charged in the District of Nevada.

# JUVENILES

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## JUVENILES

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### Who is a Juvenile?

The federal juvenile statutes at 18 U.S.C. § 5031, *et seq.*, apply to any offense committed before the defendant's eighteenth birthday, as long as the defendant is still under twenty-one at the time of the proceedings. 18 U.S.C. § 5031. We, therefore, use the term "juvenile" to refer to any defendant under twenty-one who committed a federal offense before his or her eighteenth birthday

### The Nature of Federal Juvenile Proceedings

When the United States charges a juvenile in federal court, the proceeding is ordinarily a juvenile delinquency proceeding rather than a criminal prosecution. In such a proceeding, where the defendant is found to have committed the offense charged, the result is a status adjudication of the defendant as a juvenile delinquent rather than a criminal conviction. The primary intent of the proceeding is rehabilitative rather than punitive. The juvenile statutes contain significant limitations, which are set forth in 18 U.S.C. § 5038, on the disclosure of information concerning a juvenile proceeding and the identity of the juvenile defendant.

### When to Proceed in Federal Court

Federal jurisdiction may be established: (1) where the appropriate state court does not have jurisdiction or refuses to assume jurisdiction; (2) where the state does not have available programs and services adequate for the needs of juveniles; or (3) where the offense charged is a felony that is a crime of violence, a violation of 18 U.S.C. § 922(x), or one of certain drug offenses enumerated in the first paragraph of 18 U.S.C. § 5032 and there is a substantial federal interest in the case.

The federal statute requires that, in order to proceed against a juvenile in federal court, the Attorney General must certify, after investigation, that one or more of the enumerated statutory bases for federal jurisdiction exists. The Attorney General's authority to make this certification has been delegated to the United States Attorney.

### When Juveniles Can Be Tried as Adults

The federal juvenile statutes do provide for juveniles to be tried as adults under certain circumstances. Among other things, the juvenile must be charged with a felony that is a crime of violence or one of certain drug offenses enumerated in the fourth paragraph of 18 U.S.C. § 5032. The United States Attorney may give such authorization.

In addition to the provisions for involuntary transfer for adult prosecution, the juvenile statutes provide that a juvenile may be tried as an adult if he or she so requests in writing, upon the advice of counsel.

### How to Proceed in Federal Court

A juvenile delinquency proceeding is initiated by the filing of an information by the United States. 18 U.S.C. § 5032. A certification from the United States Attorney pursuant to 18 U.S.C. § 5032 as to the grounds for federal jurisdiction must also be filed.

Any prior juvenile court records of the defendant must be obtained and provided to the court if at all possible. In the alternative, the clerk of the juvenile court must certify in writing that the juvenile has no prior record or that the record is unavailable and why. 18 U.S.C. § 5032 (tenth paragraph).

The juvenile delinquency proceeding itself proceeds essentially like a bench trial. Where detention may follow the proceeding, juveniles have been held to have constitutional rights under the due process clause to adequate notice, to the assistance of counsel, to the privilege against self-incrimination, and to cross-examine adverse witnesses. The Federal Rules of Evidence appear to apply to juvenile delinquency proceedings. *See* Federal Rule of Evidence 1101.

The entire proceeding is subject to the limitations set forth in 18 U.S.C. § 5038 on disclosure of the identity of the juvenile defendant and information about the juvenile proceedings. The usual methods of complying with these limitations include filing documents in the case under seal, using the juveniles initials or "John Doe" to describe the teenager in any pleadings, and conducting proceedings in a closed courtroom or in the judge's chambers.

### Disposition

Upon an adjudication of delinquency, the judge has discretion to impose any of the conditions listed in 18 U.S.C. § 5037. These include restitution, probation (and conditions of probation), and official detention, but not fines.

Official detention may not extend beyond the defendant's twenty-first birthday for defendants under eighteen at the time of disposition, or five years for defendant between the ages of eighteen and twenty-one at the time of disposition. In addition, the period of detention may not exceed the maximum period of imprisonment authorized had the defendant been an adult. 18 U.S.C. § 5037. If a state law crime is involved, as is the case in Major Crimes Act cases that incorporate state law crimes, such as burglary, any minimums and the statutory maximum established by state law apply to the federal proceeding. Pierre Y., 280 F.3d 1008 (9<sup>th</sup> Cir. 2002).

Juveniles sentenced to official detention are committed to the custody of the Attorney General. The Federal Bureau of Prisons designates a place of confinement. Juveniles may not be placed in an institution in which they have "regular contact" with adults convicted of crimes or awaiting trial on criminal charges. 18 U.S.C. § 5039.

### Arrest of a Juvenile

A juvenile may be arrested on a warrant issued on either a complaint or a juvenile information. Where arrest is not needed, the court may be asked to issue a summons on the complaint or information. In either case, it is important to have the complaint and/or information placed under seal to avoid public disclosure of the juvenile's identity.

By statute, the officer arresting a juvenile is required to advise a juvenile of his/her rights, and must immediately notify the Attorney General (notice to the United States Attorney is sufficient) and the juvenile's parents, guardian, or custodian of such custody. 18 U.S.C. § 5033. The arresting officer is also required to notify the parent, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense. *Id.* The juvenile must be taken before a magistrate as soon as possible and within a reasonable period of time. *Id.* The duties of the magistrate at that time are set forth in 18 U.S.C. § 5034.

If a juvenile is to be interrogated, prior to the interrogation, parents must be notified of the juvenile's Miranda rights. United States v. Wendy G., 255 F.3d 761, 762 (9<sup>th</sup> Cir. 2001). If parents ask for an opportunity to advise and counsel their child, the request cannot be unreasonably denied. *Id.* It is an affirmative obligation placed upon the law enforcement officers to advise the parents that they will be given an opportunity to communicate with their child prior to any questioning. *Id.*

The federal juvenile statutes provide for fingerprinting and photographing of juveniles only after a finding of guilt of certain types of drug and violent offenses. *See* 18 U.S.C. § 5038(d). Routine booking photographs and fingerprints should, therefore, not be taken upon arrest of a juvenile. In addition, unless a juvenile is prosecuted as an adult, neither the name nor picture may be made public in connection with the proceeding. This restriction must be observed regarding press releases.

#### Detention Pending Trial

The juvenile statutes provide for release of a juvenile pending trial to his/her parents, guardian, custodian, or other responsible individual unless the magistrate determines, after a hearing at which the juvenile is represented by counsel, that detention is required to secure the juvenile's timely appearance before the appropriate court or to insure the safety of the juvenile or that of others. 18 U.S.C. § 5036. If the juvenile is detained, he has to be tried within thirty days, otherwise the charge is dismissed, usually with prejudice.

# SERVICES TO CRIME VICTIMS

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## **SERVICES TO CRIME VICTIMS**

On October 30, 2004, the President signed into law the Justice for All Act of 2004 (18 U.S.C. § 3771). The Act establishes the rights of crime victims in federal criminal proceedings and provides mechanisms to enforce those rights.

Section 3771(a) provides crime victims with the following rights:

- (1) the right to be reasonably protected from the accused;
- (2) the right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused;
- (3) the right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding;
- (4) the right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding;
- (5) the reasonable right to confer with the attorney for the Government in the case;
- (6) the right to full and timely restitution as provided by law;
- (7) the right to proceedings free from unreasonable delay; and
- (8) the right to be treated with fairness and with respect for the victim's dignity and privacy.

Section 3771(c)(1) requires that officers and employees of the Department of Justice and other federal departments and agencies engaged in investigative and prosecutorial work "make their best efforts" to (1) ensure notification of victims of these rights and (2) ensure victims are accorded these rights.

The FBI has a Victim-Witness Specialist who works with victims in the period before a charging decision is made and the U.S. Attorney's Office has Victim-Witness Specialists who communicate with victims after cases have been charged.

### Victim/Witness and Loss Information

Victim Notification System Brochure

Right to be Heard Brochure

Restitution Brochure

Information and Assistance for Federal Crime Victims Brochure

Federal Domestic Violence Laws Brochure

Victims of Violent Crimes Brochure

Information Regarding Your Victim Impact Statement

Victim Impact Statement Form

Victim Resources

## 5. What information is available on the VNS Internet Web site?

The information available will include:

- A. **Case Activities Detail** - information about events in your case.
- B. **Downloads/Links** - supplemental information about your case.
- C. **My Information** - allows you to view and/or update your mailing address, phone number, and email address.
- D. **Stop Receiving Notifications** - allows you to stop receiving further notifications. You can later re-enroll using your VIN and VNS Login ID.

## 6. How often is information on the Internet updated?

The VNS Web site is updated daily, Monday through Friday.

## 7. Does the Victim Notification System ensure my safety?

No. Do not depend on VNS to ensure your safety. If you feel that you are being threatened, immediately notify law enforcement.

## 8. What should I do if my contact information changes?

If your address, email or phone number changes, you should update your contact information using one of the following methods: (1) VNS on the Internet\* (<http://www.Notify.USDOJ.gov>); (2) VNS Call Center\* (1-866-365-4968) (\* You will need your VNS VIN & PIN/Web Login ID); (3) the person indicated on your initial notification letter, or; (4) the Victim-Witness Staff at your local U.S. Attorney's Office.

## 9. Must I receive notification?

If you do not wish to receive notification you may contact: (1) the VNS Call Center (1-866-365-4968, provide your VNS VIN & PIN, Select "Opt Out" option); (2) access the VNS Web site and select the "Stop Receiving Notifications" link; (3) the person indicated on your initial notification letter; or (4) the Victim-Witness Staff at your local U.S. Attorney's Office.

### INFORMATION CARD

Victim Identification Number (VIN)

Personal Identification Number (PIN)

VNS Internet Login Identification

Agency Contact Name and Phone Number

U.S. Department of Justice

# The Department of Justice Victim Notification System



## A Service Provided by:

- The Federal Bureau of Investigation,
- The United States Attorneys' Offices,
- The Federal Bureau of Prisons, and
- The Office for Victims of Crime

## In Cooperation with:

- The United States Postal Inspection Service

1-866-DOJ-4YOU - (1-866-365-4968)  
International Callers: 1-502-213-2767  
<http://www.Notify.USDOJ.Gov>

Overview - VNS Information			
Information - Activity	Internet	Call Center	
Investigative Status (Under Investigation or Prosecution Declined)	✓	✓	✓
Filing of Criminal Charges, Outcome of the Charges and Sentencing data	✓		✓
Future & Past Court Hearings	✓	✓	✓
BOP Custody Status & location, projected release date	✓		✓
Other available information	✓		
Links to other Internet Web resources	✓		
Update address, email, telephone number	✓	✓	✓
Opt out from access to VNS, including the Internet & Call Center	✓	✓	✓

DOJ - USA-260  
USPIS - PSN7610-07-000-1290  
June 2007



## Introduction

The Department of Justice and the United States Postal Inspection Service are committed to ensuring that victims of federal crime are treated fairly as their case moves through the criminal justice system.

In order to provide victims with information on case events, the Department of Justice has developed the Victim Notification System (VNS). This brochure provides information about VNS.

### Victim Notification System (VNS)

VNS is a cooperative effort between the Federal Bureau of Investigation (FBI), the United States Postal Inspection Service (USPIS), the United States Attorneys' Offices, and the Federal Bureau of Prisons (BOP).

This free, automated system provides important information to victims. In many cases, you will receive letters generated through VNS containing information about the events pertaining to your case and/or any defendants in the case.


This information is available in English or Spanish on the Internet and through a toll-free telephone number (Call Center). In cases with many victims, you may receive only one letter and then be directed to the Internet or Call Center for further information.

## VNS Information

### Registration:

You will receive a Victim Identification Number (VIN) and a Personal Identification Number (PIN) that will allow you to access VNS on the Internet and using your telephone. Those numbers are contained on all correspondence and you may also write them on the attached tear-off card to keep with you.

If you have chosen to participate in VNS, but have not received these numbers, please contact either the FBI, the USPIS, or U.S. Attorney's Office handling your case.

 **Your VIN and PIN numbers are both required any time you contact the Call Center or when accessing VNS on the Internet.**

### VNS Internet Access:

- You may access information about the case via the Internet at: <http://www.Notify.USDOJ.Gov>. You will be required to enter your VIN and your PIN.
  - The Web site, in some instances, may provide additional information that is not available through the Call Center.
- (Refer to **Common Questions**, numbers 4, 5 & 6 below, for more information regarding the Internet.)

### The VNS Call Center:

You may call 1-866-DOJ-4YOU (1-866-365-4968) for current information. You will be required to enter your VIN and your PIN.

By following the prompts, VNS will provide custody information and notice of future court events.

The Call Center will include options to hear:

**Upcoming Events** - information on future court hearings

**Historical Court Events** - information on past court hearings

### Information on Each Defendant -

information regarding criminal charges filed, the outcome of the charges, and the sentence imposed by the Court; if the defendant is in the custody of BOP, the custody location, projected date of release from custody and other release information. For more detailed information, contact the responsible agency representative.

### VNS Notification:

You may also receive information about case events by letter, email, or fax. Please note that in some rare instances, VNS may contact you by phone which will require use of your PIN. See question #3.

Not all relevant information regarding a case will be contained within VNS. Changes, especially with court events, can occur on very short notice. If you are planning on attending a scheduled event or you need additional information, you may always contact the respective agency staff for assistance.

## Common Questions

Below are some common questions about VNS. If at any time you have a question about VNS that is not answered here, please feel free to contact your local FBI, USPIS, or U.S. Attorney's Office.

### **1. When can I call the VNS Call Center or access VNS on the Internet?**

(Eastern Time)  
 Monday - Friday 6:00 a.m. - 3:00 a.m.  
 Saturday 6:00 a.m. - 12:00 a.m.  
 Sunday 8:00 a.m. - 12:00 a.m.  
**1-866-DOJ-4YOU - (1-866-365-4968)**  
**International Callers:**  
**1-502-213-2767**  
<http://www.Notify.USDOJ.Gov>

You must keep your contact information current (see Common Questions number 8). If an agency is unable to contact you due to outdated contact information, you will be removed from the notification program.

### **2. What if I forget my PIN?**

Each VNS notification will restate your VIN & PIN. If you do not have this correspondence, please contact the agency (FBI/USPIS/U.S. Attorney's Office) involved with your case.

### **3. What if I am not at home or my phone is busy when VNS calls?**

While this is unusual, the Call Center will continue calling you every 30 minutes. If the call is answered, but is not confirmed with your PIN number, VNS will continue to call every two (2) hours.

### Victim Notification System

### **4. How do I access the VNS Internet site?**

- Enter <http://www.Notify.USDOJ.Gov> in your Web browser.
  - If you are a new user, click "First Time Users Click Here".
    - Enter your VIN.
    - Enter your PIN.
  - Complete the remaining information as requested on the Web site to include creating a new VNS Login ID.
- C. Your VNS Login ID must be used in conjunction with your VIN during any subsequent access of the VNS Web site.

## Make It Meaningful

Your right to be heard is a very important right and one which deserves serious consideration. Defendants have a right to make any statements they deem appropriate to the Judge prior to the imposition of the sentence. This may include a plea for leniency, an explanation as to what led to their



actions or how they have changed since the crime. The defendant's attorney may also make persuasive remarks regarding sentencing. When you exercise your right to be heard

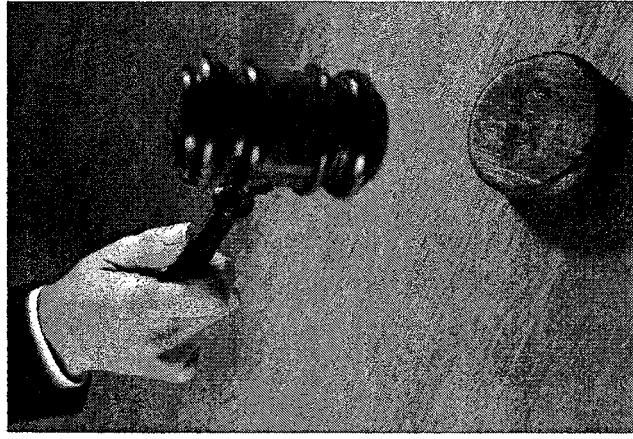
at sentencing, this is an opportunity for the Judge to see the other side of the story and provides for some balance in the sentencing process. Many victims find this to be a very helpful experience. While we can't tell you what to say, please feel free to contact the Victim-Witness Staff to ask any questions.

## OTHER OPTIONS:

*Not everyone is comfortable with speaking in front of people, especially about something very personal and in front of the defendant. Travel and time restraints may also make it difficult for you to come and tell your story live in court. You still have the option of writing an impact letter or statement. This is another way for you to let the judge know what your concerns are and the affect of the crime on you. In most circumstances, this statement will be provided to counsel for the defendant and can become part of the permanent record. While we cannot write your statement for you, our office will assist you and help answer questions.*

## Exercising Your Right To Be Heard

District of Nevada



There are things that the Victim-Witness Staff can do to make this process a little easier for you. If you have never been in a courtroom before, it may be helpful for you to see the room you will be in and the surroundings, as well as who will be present at the sentencing, explained to you. This can be especially helpful for a young victim. If you need other assistance to make your appearance possible, contact the Victim-Witness Staff below for assistance.

## UNITED STATES DISTRICT COURT'S OFFICE

Debra Waite, Victim Witness Coordinator  
Jaye Willis, Victim Witness Specialist  
District of Nevada  
333 Las Vegas Blvd. South, Ste 5000  
Las Vegas, NV 89101

Phone: (702) 388-6336  
(800) 539-8002

Fax: (702) 388-6418

The impact of a crime is different for every victim and for every crime. How it affects you and those around you is also unique. Your concerns about how the case proceeds and about the custodial status of the defendant are also going to vary depending on the circumstances surrounding your victimization. Under federal law, you have the right to be reasonably heard at any public proceedings involving release, plea or sentencing.



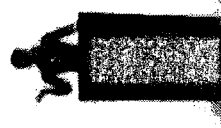
Your purpose for addressing the Court at these different proceedings may vary, but there are certain tips that generally apply. We most commonly see victims exercising their right to be heard during sentencing, but should you choose to participate in this manner at a release or plea hearing, you may want to contact the Victim-Witness Staff and find out more information on how those hearings proceed.

## Addressing the Court

Whenever you are addressing the Court, it is important for you to remember that this is a statement to the Court. The enclosed tips are here to help you formulate your thoughts prior to addressing the Court.

## Tips for Addressing the Court

- **Let someone in the prosecuting office know of your desire to speak.** They can make this process much easier for you and can make sure that the Court knows of your desire to speak.
- **Prepare what you want to say in advance.** Take some time to think about what you want to say. You can write your statement out ahead of time and read it or make notes on points you want to cover. Do what makes you most comfortable.
- **Make your comments to the point and speak clearly into the microphone.**
- **Speak in your own words.** Your statement should accurately reflect the impact of the crime on you.
- **You are addressing the Judge, not the defendant.** You should keep your eyes towards the bench and your comments should not be directed toward the defendant.
- **A brief statement about your financial losses may be beneficial to the Court.**
- **Inform the Court of any concerns you may have about your safety or retaliation.**
- **Your behavior should be appropriate to the seriousness of the proceedings.**
- **Feel free to bring a friend or family member for support.**



- **There is no dress code.** However, most people will wear a suit, dress or dress slacks. Generally, people do not wear jeans.
- **Your statements are being recorded and are part of the permanent record.** There may be others, including media, in the courtroom.
- **Do not exaggerate and always tell the truth.**

## Questions to Consider

- The Court is interested in hearing how the crime has affected you. What are the emotional impact and physical affects of the crime? Has it affected your ability to work or to do other normal daily activities?
- How has the criminal act impacted your future, your dreams and your relationships?
- If you are speaking on behalf of a child, how has this crime changed the child's relationship with family and friends? How has it affected school performance?
- Are you or your loved ones experiencing nightmares or other symptoms of emotional stress? Have you been or will you continue to be under the care of a medical professional for treatment? If so, what kind of treatment and for how long?

Common Emotional and Physical Aspects  
Resulting from Financial Victimization

More often than not, a victim of financial fraud, investment scam, or embezzlement will experience many emotions. A crime victim often experiences anger due to the betrayal of someone or some thing they put their trust and judgement in, along with their lost finances. Victims often feel frustration as a common response to their financial loss. Additional experiences a victim may have include :

- ◆ Guilt for not being more skeptical of the concept or promises of the investment
- ◆ Disbelief that they were drawn into and fooled by such a sham
- ◆ Difficulty accepting the fact that their financial loss has radically changed their life plan, especially when they are retired and their life plans have been dramatically altered
- ◆ Health problems related to stress, such as insomnia, inability to eat or concentrate, develop low self-esteem or depression

Over time, many crime victims work through these difficulties on their own, or seek outside resources or counseling for assistance.

OTHER OPTIONS:

A victim may also choose to request the U. S. Clerk of the Court to issue an Abstract of Judgment certifying that a judgment has been entered in a victim's favor in the amount specified in the Judgment. A victim may then file this with the Recorder's Office for any county in which it is believed the defendant had assets, in the state in which a defendant was convicted in federal court. Upon its recording, the Abstract of Judgment becomes a lien upon the property of the defendant in that county/state in the same manner as a state court judgment. Victims should consult with a private attorney for specific information on this option.

NEED HELP?

As a federal crime victim, if you have any question or need assistance, please do not hesitate to contact the U.S. Attorney's Office, at (800) 539-8002 regarding your case.

Debra Waite, Victim Witness Coordinator  
Joye Willis, Victim Witness Specialist  
District of Nevada  
333 Las Vegas Blvd. South, Ste 5000

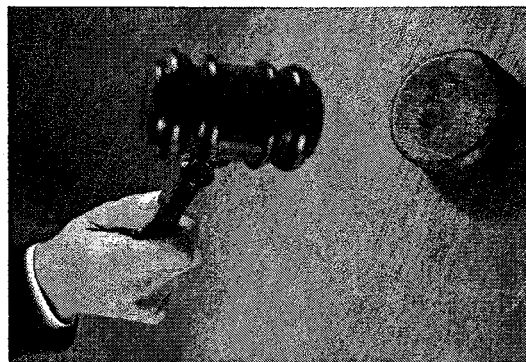
Phone: (702) 388-6336

(800) 539-8002

Fax: (702) 388-6418

# The Realities of Restitution for Victims of Federal Crimes

District of Nevada



A federal crime victim is "a person directly or proximately harmed as a result of the commission of a federal offense, or an offense within the District of Columbia 18 U.S.C. § 3771(e).

Most crime victims are very concerned about how they can recover from their financial loss suffered as a result of a crime. This information is provided to you by the U.S. Attorney's Office for the District of Nevada. The following is meant to provide a brief overview for federal crime victims and restitution ordered by the court, the legal process involved, and the realities of actually receiving full restitution.

The Justice for All Act of 2004 provides that "identified" federal crime victims are entitled to full and timely restitution as provided by law for certain losses suffered as a result of the commission of an offense as part of the criminal sentence imposed on the defendant, or as part of a plea agreement. Federal crime victims may be either individuals, businesses, or corporations.

#### Ordering vs. Receiving Restitution

Under federal law, it is mandatory for a defendant to pay restitution when there is a loss to the victim. Unfortunately, as a practical matter, a defendant who has no money or potential to make money in the future, may be unlikely to ever make meaningful restitution to the victims of a crime.

Court-ordered restitution is limited to specific losses and may not allow any monetary compensation for a victim's pain and suffering.

#### Physical Injury as a Result of the Crime

For an offense resulting in physical injury to a victim, the court may order payment equal to the cost of necessary medical and related professional services which include physical, psychiatric, and psychological care. Payment equal to the cost of necessary occupational therapy, rehabilitation, or loss of income as a direct result of the crime may be considered within the court ordered restitution to a victim.

#### Restitution for Financial Loss

In most fraud cases, restitution may be ordered where victims of the convicted federal offense have suffered the loss of money, in such crimes as investor fraud, mortgage fraud, telemarketing scams, or offenses involving the misuse of bank accounts or credit cards. The court may order a defendant to pay an amount equal to each victim's actual loss, which is commonly the value of the principle or property which was fraudulently obtained.

#### How Does a Victim Receive Restitution?

The U. S. Attorney's Office, Financial Litigation Unit (FLU) is charged with enforcing orders of restitution, and monitors efforts in enforcing a Judgment if defendant's assets or income are identified.

The FLU will pursue various means to enforce restitution, as its resources permit, on behalf of identified victims, for a time period of up to 20 years from the filing date of the defendant's Judgment, which includes the time period of the defendant's actual incarceration, or until the death of the defendant. In addition, once a defendant/inmate is released from prison, and is then under the supervision of the U.S. Probation Office, restitution will be monitored to insure appropriate restitution is paid, where possible.

#### Additional Restitution Provisions

An order of restitution is not dischargeable in bankruptcy. It also is not a guarantee that a crime victim will actually receive the money ordered by the court. Under the Act, if an identified victim

discovers further losses after a judgment has been filed, that victim has 60 days after discovery of the losses, to petition the Court for an amended restitution order. This order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitution.

#### Other Available Remedies

Victims of a federal crime may be eligible for state victim compensation, which can often pay for medical and psychological costs, loss of income or support, or funeral expenses related to the crime. Each State has a centralized division within a state agency where crime victims can apply for compensation. In Nevada, for further information about the Crime Victims' Compensation Program, call (702) 486-2740 (for southern Nevada), or (775) 688-2900 (for northern Nevada).

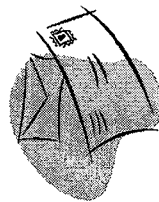
A federal crime victim may wish to file a civil action or file in small claims court against a defendant to recoup losses caused by the crime. The U.S. Attorney's Office cannot provide legal advice or services in that matter, however, the crime victim may choose to consult with a private attorney, or the Small Claims Court in the county in which the crime occurred. There is usually a statute of limitations which limits the time in which a civil suit can be filed.

## IF YOU ARE THREATENED OR HARASSED

If anyone threatens you or you feel that you are being harassed because of your cooperation with this case, there are remedies available. Your safety is paramount. Please contact the investigating agent or the Victim-Witness Program immediately. They may discuss with you additional safety measures and assistance such as temporary restraining orders, possible relocation, or other appropriate referrals.

## OTHER ASSISTANCE & SERVICES

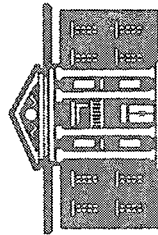
If you are a victim, you are entitled to:



- Notification of case events, usually by letter or E-mail, through the Victim Notification System. If the defendant is convicted and sentenced to the custody of the Bureau of Prisons, notification will continue regarding the defendant's release date, furlough, or escape. **REMINDER: please keep us informed of any address, E-mail, or telephone number changes.**

- Referrals to other agencies or professionals for counseling, shelter, and/or compensation.

If you are a victim or a witness, you are entitled to:



A Federal Courthouse

- A separate waiting area away from defendant and defense witnesses.
- Courtroom support.
- Information and assistance with travel, lodging, parking, and reimbursement for mandatory court appearances and pre-trial interviews.

## LIMITED CONFIDENTIALITY STATEMENT

We are here to assist you as you go through the criminal justice process. However, you should know that we work as part of a team with the criminal prosecutor and the investigative case agent. We do our best to keep sensitive information confidential. As part of the team, there are times when we may need to share information you provide with the other team members. This is especially important if you share information regarding your safety, a medical emergency, information that relates to child abuse, and/or information that is critical to the investigation or prosecution of the case.

## CONTACT INFORMATION

Glenda Newby, Victim-Witness Specialist  
U.S. Attorney's Office  
100 W. Liberty Street, Ste 600  
Reno, NV 89501  
(775) 784-5438  
(800) 303-5545  
Fax (775) 784-5181

State Compensation Program  
(702) 486-2740—Southern Nevada  
(775) 688-2900—Northern Nevada

State Crisis Hotline  
(877) 885-4673, (800) 992-5757, or (775) 784-8090  
National Organization for Victim Assistance  
800-TRY-NOVA

National Center for Victims of Crime  
800-FYI-CALL



Office of the United States Attorney  
District of Nevada  
Victim-Witness Program

# INFORMATION AND ASSISTANCE FOR FEDERAL CRIME VICTIMS AND WITNESSES





## INFORMATION FOR VICTIMS AND WITNESSES OF FEDERAL CRIME

The following information has been prepared to help answer questions that may arise. We have included information which will give you an understanding of how the Federal criminal justice system works.

The role of the United States Attorney's Office is to prosecute cases fairly and justly. Our actions on your behalf do not constitute an attorney-client relationship and we cannot give you legal advice. The interests of the United States may occasionally diverge from your interests as a victim.

### VICTIMS' RIGHTS

The Crime Victims' Rights Act gives victims of offenses charged in Federal court the following rights:

- The right to be reasonably protected from the accused.
- The right to reasonable, accurate, and timely notice of any public court proceeding involving the crime or of any release or escape of the accused.
- The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.
- The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.
- The reasonable right to confer with the attorney for the Government in the case.
- The right to full and timely restitution as provided in the law.
- The right to proceedings free from unreasonable delay.
- The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are provided the rights described. You may seek the advice of an attorney with respect to these rights. If you believe that an employee of the United States Attorney's Office failed to provide you with one or more of these rights, you may file an administrative complaint, as provided under 28 CFR § 45.10. Please contact the United States Attorney's Office to obtain information about these procedures.

## THE CRIMINAL JUSTICE PROCESS

As the case moves through the Federal court system, there are several events that typically occur.

### INVESTIGATION

#### ARREST

### DETENTION HEARING (POSSIBLE)

The Government is seeking to detain of the defendant and may do so based on the statement of the prosecutor or by presenting witnesses and exhibits.

### PRELIMINARY HEARING

A Judge determines if there is sufficient probable cause to charge the defendant. This only occurs if the defendant has not been charged by the grand jury.

or

### GRAND JURY HEARING

A Grand Jury hears evidence in a non-public proceeding and may issue a formal charge called an Indictment.

An Arrest Warrant may be issued at this time.

### ARRAIGNMENT

A defendant appears in court and hears the charge(s) against him/her. At this time, the defendant typically enters a plea of not guilty.

### DISCOVERY, PLEA NEGOTIATIONS & MOTIONS

This may include hearings & rulings on motions concerning the admissibility of evidence, trial issues, or a possible guilty plea from the defendant.

### TRIAL

The Government presents its case with witnesses, followed by the defendant's case. The trial generally results in a verdict by a jury.

### PRE-SENTENCE INVESTIGATION & REPORT PREPARED

After a finding of guilt, a pre-sentence report is prepared for the judge by U.S. Probation, at which time you have the right to submit written victim impact statements.

### SENTENCE

### APPEAL

## RESTITUTION AND COMPENSATION

### Victim Compensation

The Victim Compensation Program for the State of Nevada helps cover expenses for victims of violent crime who have suffered physical or psychological injury. The Crime Victim Compensation Program may be able to reimburse you for crime related expenses such as medical care, mental health expenses, and lost wages due to crime related injuries. To obtain further information and an application, contact the Victim-Witness Coordinator listed on the back of this brochure.

### Restitution

Under Federal law, restitution is mandatory for many (but not all) types of crimes. It is important for victims, who may be entitled to restitution, to keep a record of their losses, medical expenses, property damage and counseling expenses, with receipts when possible. This information will be needed by the probation department if the defendant is convicted and ordered to pay restitution.

## THE EMOTIONAL IMPACT OF CRIME

Many victims of and witnesses to crime are emotionally affected by their experience and although everyone reacts differently, many people report common reactions such as:

- Anger
- Feelings of panic and/or anxiety
- Nightmares and sleep pattern changes
- Feelings of self-doubt, shame or guilt
- Reliving what happened
- Depression, difficulty concentrating
- Increased concern for personal safety and that of their family

Many people continue to have these responses for some time after the crime. The Victim/Witness Unit can assist you in finding appropriate support services.

## CAN MY CONCERNS BE HEARD IN FEDERAL COURT?

A victim in a VAWA case shall have the right to speak, if desired, to the judge at a bail hearing to inform the judge of any danger posed by the release of the defendant. Any victim of a crime of violence shall also have the right to speak, if desired, at the time of sentencing.

## VICTIM'S RIGHTS

A federal domestic violence victim has the following rights under 42 U.S.C. Section 10607:

- The right to be treated with fairness and with respect for the victim's dignity and privacy.
  - The right to be reasonably protected from the accused offender.
  - The right to be notified of court proceedings.
  - The right to be present at all public Court proceedings related to the offense, unless the Court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.
  - The right to confer with the attorney for the Government in the case.
  - The right to restitution.
  - The right to information about the conviction, sentencing, imprisonment and release of the offender.
- A federal victim also has the following rights under 18 U.S.C. Section 3771:
- The right to proceedings free from unreasonable delay.
  - The right to be heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.

## HELP IS AVAILABLE

If you are a victim of a domestic violence crime, it is normal to feel scared, helpless and vulnerable. Remember, you are not alone. The following agencies exist to help. Please call.

## NATIONAL ASSISTANCE

Domestic Violence Hotline  
1-800-799-SAFE

National Coalition Against Domestic Violence  
1-303-839-1852

National Victim Center  
1-800-FYI-CALL

National Organization for Victim Assistance  
1-800-TRY-NOVA

## LOCAL ASSISTANCE

Police Department

Sheriff's Department

Alcohol, Tobacco and Firearms (ATF)  
(702) 387-4600 or (775) 784-5251

Federal Bureau of Investigation (FBI)  
(702) 385-1281 or (775) 882-1248

Domestic Violence Project  
(702) 229-2525

# FEDERAL DOMESTIC VIOLENCE LAWS



Office of the United States Attorney  
District of Nevada

Debra Waite  
Victim Witness Coordinator  
(702) 388-6218  
1-800-539-8002  
Fax: (702) 388-6418



## ISSUES AND ANSWERS

Violence and abuse at the hands of a loved one is frightening, degrading and confusing. Have you experienced this violence and abuse? If so, you are a victim of domestic violence. You are also the victim of a crime.

Despite your conflicting emotions, the legal system may be one of the most effective ways to protect yourself and your children.

In 1994, Congress passed the Violence Against Women Act (VAWA). This Act, and the 1996 additions to the Act, recognize that domestic violence is a national crime and that federal laws can help an overburdened state and local criminal justice system. In 1994 and 1996, Congress also passed changes to the Gun Control Act making it a federal crime in certain situations for domestic abusers to possess guns. The majority of domestic violence cases will continue to be handled by your state and local authorities. In some cases, however, the federal laws and the benefits gained from applying these laws, may be the most appropriate course of action.

This brochure is designed to provide practical information on the available federal domestic violence laws and penalties and the rights of federal victims.

## WHO SHOULD I CALL TO REPORT A POSSIBLE FEDERAL CRIME?

For a possible gun Control Act violation, please call your local Alcohol, Tobacco and Firearms (ATF) Office. For a possible VAWA violation, please call your local Federal Bureau of Investigation (FBI) Office. These violations are described in this brochure. The numbers for the FBI and ATF are listed on the back of this brochure. If you are unsure of the violation, please call law enforcement or the Victim Witness Coordinator listed on this brochure.

## WHAT ARE THE FEDERAL CRIMES AND PENALTIES?

All the federal domestic violence crimes are felonies. It is a federal crime under VAWA:

- To cross state lines or enter or leave Indian country and physically injure an "intimate partner". 18 U.S.C. Section 2261
- To cross state lines to stalk or harass or to stalk or harass within the maritime or territorial lands of the United States (this includes military bases and Indian country). 18 U.S.C. Section 2261A
- To cross state lines or enter or leave Indian country and violate a qualifying Protection Order. 18 U.S.C. Section 2262

It is a federal crime under the Gun Control Act:

- To possess a firearm and/or ammunition while subject to a qualifying Protection Order. 18 U.S.C. Section 922(g)(8)
- To possess a firearm and/or ammunition after conviction of a qualifying misdemeanor crime of domestic violence. 18 U.S.C. Section 922(g)(9)

A violation of the Gun Control Act, Sections 922(g)(8) and 922(g)(9), has a maximum prison term of ten years. A violation under VAWA, Sections 2261, 2261A and 2262, has a maximum prison term of five years to life, depending on the seriousness of the bodily injury caused by the defendant.

In a VAWA case, the Court must order restitution to pay the victim the full amount of losses. These losses include costs for medical or psychological care, physical therapy, transportation, temporary housing, child care expenses, lost income, attorney's fees, costs incurred in obtaining a civil protection order, and any other losses suffered by the victim as a result of the offense. In a Gun Control Act case, the Court may order restitution. Please keep a record of all expenses caused by the domestic violence crime.

## WHAT IS A QUALIFYING DOMESTIC VIOLENCE MISDEMEANOR?

Possession of a firearm and/or ammunition after conviction of a "qualifying" domestic violence misdemeanor is a federal crime under Section 922(g)(9). Generally, the misdemeanor will "qualify" if the conviction was for a crime committed by an intimate partner, parent or guardian of the victim that required the use or attempted use of physical force or the threatened use of a deadly weapon. In addition, Section 922(g)(9) imposes other legal requirements. The United States Attorney's Office will examine your case and determine whether the prior domestic violence misdemeanor conviction qualifies under Section 922(g)(9).

## WHAT IS A QUALIFYING PROTECTION ORDER?

Possession of a firearm and/or ammunition while subject to a Protection Order, and interstate violation of a Protection Order are federal crimes if the Protection Order "qualifies" under Sections 2262 and 922(g)(8). Generally, a protection Order will qualify under federal law if reasonable notice and an opportunity to be heard was given to the person against whom the Court's Order was entered and if the Order forbids future threats of violence. The United States Attorney's Office can evaluate your Order to see if it qualifies. Therefore you should keep copies of all Orders.

## WHO IS AN INTIMATE PARTNER?

Generally, the federal laws recognize an intimate partner as a spouse, a former spouse, a person who shares a child in common with the victim, or a person who cohabits or has cohabited with the victim.

*For Application Forms Contact:*

**Reno/Northern Nevada:**

Victims of Crime Program  
4600 Kietzke Lane  
Building I, Suite 205  
Reno, Nevada 89502  
Telephone: (775) 688-2900  
Fax: (775) 688-2912

**Las Vegas/Southern Nevada:**

Victims of Crime Program  
2200 S. Rancho, Suite 130  
Las Vegas, Nevada 89102  
Telephone: (702) 486-2740  
Fax: (702) 486-2825

**Washoe County:**

Witness Notification Unit  
Washoe County District Attorney's Office  
P.O. Box 11130  
Reno, Nevada 89520  
Telephone: (775) 328-3210

**Clark County:**

Victim Witness Assistance Center  
Clark County District Attorney's Office  
200 S. Third Street, Suite 545  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4204

(NSPO Rev. 7/04)

(D. 4716)

# PROGRAM TO COMPENSATE VICTIMS OF VIOLENT CRIME

Administered by the  
Nevada State Board of Examiners

## Who Is a Victim?

A victim is an innocent person who was physically injured or killed as a result of a criminal act, hit and run pedestrian or domestic violence occurring in the State of Nevada; a minor who was involved in the production of pornography; a minor who was sexually abused; or a person injured by an offender who was driving while under the influence of alcohol or a controlled substance.

## What Must I Do to Get Help?

- You must report the crime to local law enforcement within five days, unless there is an explanation why you could not.
- You must file an application with the program within one year from the date of the crime.
- You must cooperate with the reasonable requests of law enforcement officers in their investigation of the crime.
- You must NOT have consented to, provoked or incited the crime.
- You must NOT have been assisting in, or committing a criminal act causing your injuries.

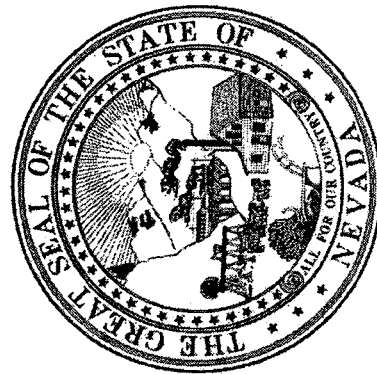
## Who Can File an Application?

You may file an application if you are:

1. A victim as defined above; or
2. A parent or guardian of a minor child who is a victim; or
3. A person responsible for the medical or funeral expenses of the victim; or
4. In the case of a victim who is killed, a dependent survivor of the victim, a person living with the victim, or an immediate family member.

## What Determines Eligibility?

- You must be a victim or the application must be filed on behalf of a victim as detailed above.
- The crime must have occurred in the State of Nevada.
- You can not have contributed to your victimization.
- You must file an application for compensation within one year of the date of the crime, unless there is a substantial reason the police report or the application could not be filed within these time frames, but no later than 18 months from date of crime. These limitations do not apply to minors involved in the production of pornography or to minors who are sexually abused. These minors must apply for compensation before reaching 21 years of age.
- Crimes involving motor vehicles are covered ONLY in DUIs, pedestrian hit and run or where the vehicle is used as a weapon.
- You still may not be eligible for compensation. Other disqualifying criteria may include the lack of financial need, or eligibility for benefits from other sources.



## How Long Will It Take?

It can take eight to ten weeks to determine if you can be helped by the program. Once approved, payments will be authorized when all required information is received.

## What Compensation May Be Awarded?

- Medical expense payment and/or psychological counseling.
- Reimbursement of some lost wages.
- Funeral and burial expenses and grief counseling to eligible survivors of a deceased victim.
- Replacement or repair of lost or damaged eyeglasses, dentures, prosthetic devices, etc.
- You can NOT be paid for property loss or repair, phone bills, meals, living expenses, cash loss or pain or suffering.

## How Will Your Claim Be Investigated?

1. The Compensation Officer will obtain and review the police report, interview the applicant, accumulate medical bills and medical reports, as well as insurance, employment and financial information. A decision will be made based on the information received.
2. You will be notified in writing within 60 days of your interview regarding your eligibility for assistance.
3. If you disagree with the decision, you may file an appeal in writing within 15 days.

## INFORMATION REGARDING YOUR VICTIM IMPACT STATEMENT

You know better than anyone else how your life has changed as a result of this crime. The affect of the crime, told by the victim of the crime, is information that cannot be obtained from any other source.

Victim Impact Statements have become an important tool in the criminal justice process. A Victim Impact Statement is a detailed account of the emotional, physical, and financial effects the crime has had on the victim and family members. It will give you the opportunity to help the court understand the many ways that this crime has affected you and those close to you. Your statement, or summary of it, will become a formal part of the court record and will be available to the defendant and his or her attorney. As a victim, you have the right to allocution, or to be reasonably heard, and may also address the Judge in order to express your feelings and reactions to this crime. The Victim Impact Statement and victim allocution will give the court a good understanding of if and how this crime has changed your life.

In preparing your statement, you may wish to think about issues such as:

- Has your ability to relate to people changed since the crime?
- Have your feelings about yourself changed in any way?
- Has the crime affected your lifestyle or the lifestyle of your family, close friends or coworkers?
- Has the crime affected your ability to earn a living or to work?

The Judge will also be considering the matter of restitution in your case. Restitution is a Judge's order that a defendant make payment to you or your corporation for your actual financial losses resulting from the crime. The Judge may use the information provided by you in the Victim Impact Statement to determine what amount, if any, of restitution is ordered to be paid to each victim. There is no guarantee, however, that the defendant will be able to pay any amount even if it is ordered by the Judge. Restitution orders in criminal cases are independent of and different from monetary awards in civil cases.

Examples of items which may be claimed for restitution include:

- Medical expenses not fully covered by insurance,
- Lost property or repairs to property you have recovered,
- Money illegally taken,
- or any additional financial expenses as a result of this crime.

If you wish the Judge to consider restitution please complete the enclosed financial statement, attaching receipts for your losses whenever possible.

**It is important that the Victim Impact Statement is returned promptly so that it can be included in the Pre-sentence Report.**

## VICTIM IMPACT STATEMENT

Defendant Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

Your Name: \_\_\_\_\_

1. How were you affected by this crime?

2. Has this crime had an impact on members of your family as well?

3. Have you sought counseling or therapy as a result of this crime?

4. Did you have to take time off work because of this crime? Have you lost income?

5. Have you suffered financial loss? Please attach receipts.

6. Anything else you would like the judge to consider at sentencing?

7. If the Court allows allocution in this case, would you like an opportunity to address the Court at sentencing?

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **VICTIM RESOURCES**

### **Law Enforcement Agencies**

#### **Henderson Police Department**

240 Water Street, PO Box 95050, Henderson, NV 89009-5050

Ph: (702) 267-4727

#### **Las Vegas Metropolitan Police Department (LVMPD), Victim Services**

Ph: (702) 828-2955

#### **North Las Vegas Police Department**

1301 E. Lake Mead Blvd., North Las Vegas, NV 89030

Ph: (702) 633-1017 X 5084

#### **Reno Police Department**

PO Box 1900, Reno, NV 89505

Ph: (775) 334-1210

#### **Washoe County Sheriff's Office**

911 Parr Blvd., Reno, NV 89512

Ph: (775) 328-3001

#### **White Pine Sheriff's Department, Victim Services**

1485 Great Basin Blvd., Ely, NV 89301

Ph: (775) 289-3410

Provides a variety of services including crisis intervention; assistance with filing temporary protection orders and victim compensation claims, immigration resources related to VAWA visa, transportation to court hearings, shelters, and other community resources.

### **Prosecution Offices**

#### **Carson County, District Attorney's Office**

885 E. Musser Street, Carson City, NV

Ph: (775) 887-2072, Fax: (775) 887-2129

[www.carson-city.nv.us/departments/da/districtatty.htm](http://www.carson-city.nv.us/departments/da/districtatty.htm)

#### **Churchill County, District Attorney's Office**

365 So. Maine Street, Fallon, NV 89406

Ph: (775) 423-6561, Fax: (775) 423-6528

[www.churchillcounty.org/da/](http://www.churchillcounty.org/da/)

**Clark County, District Attorney's Office**

200 S. Third St., #528, P.O. Box 552212, Las Vegas, NV 89155

Ph: (702) 671-2525, Fax: (702) 455-5101

[www.co.clark.nv.us/district-attorney/VWAC/index.htm](http://www.co.clark.nv.us/district-attorney/VWAC/index.htm)

**Douglas County, District Attorney's Office**

1625 8th Street, Minden, NV 89423

Ph: (775) 782-9800, Fax: (775) 782-9807

**Elko County, District Attorney's Office**

521 6th Street, Elko, NV 89801

Ph: (775) 738-3101, Fax: (775) 738-0160

[www.elkocountynv.net/districtattorney.html](http://www.elkocountynv.net/districtattorney.html)

**Esmeralda County, District Attorney's Office**

P.O. Box 339, Goldfield, NV 89013

Ph: (775) 485-6352, Fax: (775) 485-6356

[www.accessesmeralda.com/attorney.htm](http://www.accessesmeralda.com/attorney.htm)

**Eureka County, District Attorney's Office**

P.O. Box 190, Eureka, NV 89316

Ph: (775) 237-5315, Fax: (775) 237-6005

[www.co.eureka.nv.us/district/district01.htm](http://www.co.eureka.nv.us/district/district01.htm)

Note: Victim-Witness Services provided by White Pine County - 1-800-372-7202

**Humboldt County, District Attorney's Office**

P.O. Box 909, Winnemucca, NV 89446

Ph: (775) 623-6363, Fax: (775) 623-6365

[www.hcnv.us/da/homeda.htm](http://www.hcnv.us/da/homeda.htm)

**Lander County, District Attorney's Office**

P.O. Box 187, Battle Mountain, NV 89820

Ph: (775) 635-5195, Fax: (775) 635-8209

**Las Vegas City Attorney**

400 E Stewart Avenue, 9<sup>th</sup> floor, Las Vegas, NV 89101

Ph: (702) 229-6201

**Lincoln County, District Attorney's Office**

P.O. Box 60, Pioche, NV 89043

Ph: (775) 962-5171, Fax: (775) 962-5582

[www.co.lincoln.nv.us/da.htm](http://www.co.lincoln.nv.us/da.htm)

Note: Victim-Witness Services provided by White Pine County - 1-800-372-7202



**Lyon County, District Attorney's Office**

31 South Main Street, Yerington, NV 89447

Ph: (775) 463-6511, Fax: (775) 463-6516

[www.lyon-county.org/da/](http://www.lyon-county.org/da/)

**Mineral County, District Attorney's Office**

P.O. Box 1210, Hawthorne, NV 89415

Ph: (775) 945-3636, Fax: (775) 945-0740

**Nye County, District Attorney's Office**

1520 E. Basin Rd, Pahrump, NV 89048

PO Box 39, Pahrump, NV 89041

Ph: (775) 751-7080, Fax: (775) 727-5234

**Pershing County, District Attorney's Office**

PO Box 299, Lovelock, NV 89419

Ph: (775) 273-2613, Fax: (775) 273-7058

**Storey County, District Attorney's Office**

26 B Street, Virginia City, NV 89440

Ph: (775) 847-0964, Fax: (775) 847-1007

**Washoe County, District Attorney's Office**

PO Box 11130, 75 Court St., Rm 201, Reno, NV 89520

Ph: (775) 328-3210 or (800) 866-3210, Fax: (775) 328-3283

[www.co.washoe.nv.us/da/daddepartments.html](http://www.co.washoe.nv.us/da/daddepartments.html)

**White Pine County, District Attorney's Office**

612 Aultman, #120, Ely, NV 89301

Ph: (775) 289-3410 or (800) 372-7202, Fax: (775) 289-3470

[www.whitepinecounty.net/district-attorney.htm](http://www.whitepinecounty.net/district-attorney.htm)

**U.S. Attorney's Office**

333 Las Vegas Blvd. South, Ste 5000, Las Vegas, NV 89101

100 West Liberty, Ste 600, Reno, NV 89501

Ph: (702) 388-6336 or (775) 784-5438

[www.justice.gov/usao/nv/index/html](http://www.justice.gov/usao/nv/index/html)

Provides notification of the status of your case, explains court procedures, assists in applying for crime compensation, expedites the return of property held as evidence, referrals to appropriate social service agencies.

## **Community Resources**

### **Advocates to End Domestic Violence**

PO Box 2529, Carson City, NV 89702

Ph: (775) 883-7654

Provides a safe, supportive environment where domestic violence victims can re-examine their view of themselves and work towards a violence free future

### **The Children's Cabinet, Inc.**

1090 South Rock, Reno, NV 89502

Ph: (775) 856-6200

### **Clark County Department of Family Services**

121 S. Martin Luther King Blvd., Las Vegas, NV 89107

Ph: (702) 455-5444 administrative office, (702) 399-0081 to report child abuse

### **Clark County Legal Services**

800 S. 8<sup>th</sup> Street, Las Vegas, NV 89101

Ph: (702) 386-1070 or (800) 522-1070

Provides legal aid for Clark County

### **Community Chest**

PO Drawer 980, Virginia City, NV 89440

Ph: (775) 847-9311, Fax: (775) 847-9335

Provides counseling, family advocacy, youth enrichment programs, community health services and employment placement assistance.

### **Crisis Call Center, Inc.**

PO Box 8016, Reno, NV 89507

Ph: (775) 784-8085

Provides intervention, prevention, and education services to the community and those individuals in crisis by helping them identify choices and offering support.

### **Fallon Paiute Shoshone Tribe, Youth and Family Services**

1007 Rio Vista Road, Fallon, NV 89406

Ph: (775) 423-1215

**Families of Murder Victims**

PO Box 82392, Las Vegas, NV 89180-2392

Ph: (702) 873-5696

Provides self-help support meetings, one-to-one peer counseling, immediate crisis intervention, and courtroom support.

**Family and Child Treatment of Southern Nevada (FACT)**

1050 South Rainbow Blvd., Las Vegas, NV 89145

Ph: (702) 258-5855

Helps children, adults and families overcome and heal the traumas of abuse, neglect and violence through education, prevention and treatment services

**Family Counseling Services**

575 E. Plumb Lane, Ste 100, Reno, NV 89502

Ph: (775) 329-0623

**Family Support Council**

PO Box 810, Minden, NV 89423

Ph: (775) 782-8692

**Nevada Coalition Against Sexual Violence**

PO Box 620716, Las Vegas, NV 89162

Ph: (702) 990-3460, Fax: (702) 990-3461

**Nevada Division of Child and Family Services**

4126 Technology Way, 3<sup>rd</sup> Floor, Carson City, NV 89706

Ph: (775) 684-4437

Provides adoption assistance, budget/financial counseling, child abuse petitions, child development classes/activities, clothing assistance, compensation claim assistance, conviction notification, court preparation/accompaniment, CPR educations, criminal justice support/advocacy, and crisis counseling

**Nevada Department of Corrections, Victim Services**

PO Box 7011, Carson City, NV 89702

Ph: (775) 887-3393, Fax: (775) 887-3167

Provides registration of all crime victims for the notification of release of their offender from the custody of NDOC; notification of an inmate's escape from the custody of NDOC; advocacy on behalf of victims concerning their particular needs in the correctional process, including but not limited to: situations involving harassment by inmates, compliance with court mandated conditions, unwanted contact, etc.; general information regarding the status of offenders in the custody of or under the supervision of NDOC, including parole eligibility date, projected expiration date and sentence structure; referrals for crime victims to other state, federal and

community based services; notification of execution dates along with preparation and orientation for victims who choose to be present at an execution; and attendance with victim to Parole Board hearings, Psychological Review Panel hearings, and executions

**Nevada Network Against Domestic Violence (NNADV)**

220 South Rock Blvd., Ste 7, Reno, NV 89502

Ph: (775) 828-1115 or (800) 230-1955, Fax: (775) 828-9911

**Nevada Urban Indians**

1475 Terminal Way, Ste B, Reno, NV 89502

Ph: (775) 788-7600

232 E. Winnie Lane, Carson City, NV 89706

Ph: (775) 883-4439

Promotes American Indian/Alaskan Native culture, health, and well-being.

**Nevada Victims of Crime Compensation Program**

2200 South Rancho Drive, Ste 130, Las Vegas, NV 89102

Ph: (702) 486-2740

4600 Kietzke Lane, Building I, Ste 205, Reno, NV 89502

Ph: (775) 688-2900

**No to Abuse**

PO Box 2869, Pahrump, NV 89048

Ph: (775) 751-1118

**Pyramid Lake Paiute Tribe**

PO Box 256, Nixon, NV 89424

Ph: (775) 574-1000

**Rape Crisis Center**

6375 W. Charleston Blvd., Bldg 149, Las Vegas, NV 89146

Ph: (702) 366-1640

Provides crisis intervention, advocacy, support and education to those affected by sexual violence.

**S.A.F.E. House**

Henderson, NV

Ph: (702) 451-4203

Domestic Violence Shelter

**The Shade Tree**

Las Vegas, NV

Ph: (702) 385-0072

Shelter for women and children who are homeless or who have been abused

**Step 2**

1435 N. Virginia Street, Reno, NV 89503

Ph: (775) 787-9411, Fax: (775) 327-6055

Provides a comprehensive substance abuse treatment that provides women and children suffering from chemical addiction, poverty and domestic violence the opportunity to rebuild their lives.

**Tahoe Women's Services**

948 Incline Way, Incline Way, NV 89451

Ph: (775) 298-0010

**Victim Information and Notification Everyday (VINE)**

Ph: (877) 591-8463

Monitors the custody status of offender booked into the Clark county Detention Center

**Volunteer Lawyers Rural Nevada**

904 N Nevada Street, Suite B, Carson City, NV 89702

Ph: (775) 883-8278

Provides assistance related to the following legal issues: adoption, child custody and parental rights termination, divorce, domestic violence, foreclosures and other real estate matters, guardianship, homesteads, labor law or worker's compensation, name changes, non-profit corporation issues, probate, taxes, and wills

**Washoe County, Department of Social Services**

350 S. Center Street, Reno, NV 89502

Ph: (775) 785-8600

**Washoe Legal Services**

299 South Arlington Avenue, Reno, NV 89501

Ph: (775) 329-2727, Fax: (775) 324-5509

# STATUTES - Jurisdictional

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## **STATUTES - Jurisdictional**

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### **INDIAN COUNTRY 18 U.S.C. § 1151**

Except as otherwise provided in sections 1154 and 1156 of this title, the term Indian Country, as used in this chapter, means

- (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation,
- (b) all dependent Indian communities within the orders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and
- (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

FEDERAL ENCLAVES ACT  
18 U.S.C. § 1152

Except as otherwise expressly provided by law, the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian Country.

This section shall not extend to offenses committed by one Indian against the person or property of another Indian, nor to any Indian committing any offense in the Indian Country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.



MAJOR CRIMES ACT  
18 U.S.C. § 1153

(a) Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnaping, maiming, a felony under chapter 109A, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury (as defined in section 1365 of this title), an assault against an individual who has not attained the age of 16 years, felony child abuse or neglect, arson, burglary, robbery, and a felony under section 661 of this title within the Indian Country, shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.

(b) Any offense referred to in subsection (a) of this section that is not defined and punished by Federal law in force within the exclusive jurisdiction of the United States shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.

ASSIMILATIVE CRIMES ACT  
18 U.S.C. § 13

(a) Whoever within or upon any of the places now existing or hereafter reserved or acquired as provided in section 7 of this title, or on, above, or below any portion of the territorial sea of the United States not within the jurisdiction of any State, Commonwealth, territory, possession, or district is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State, Territory, Possession, or District in which such place is situated, by the laws thereof in force at the time or such act or omission, shall be guilty of a like offense and subject to a like punishment.

(b) (1) Subject to paragraph (2) and for purposes of subsection (a) of this section, that which may or shall be imposed through judicial or administrative action under the law of a State, territory, possession, or district, for a conviction for operating a motor vehicle under the influence of a drug or alcohol, shall be considered to be a punishment provided by that law. Any limitation on the right or privilege to operate a motor vehicle imposed under this subsection shall apply only to the special maritime and territorial jurisdiction of the United States.

(2) (A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, not more than 5 years, or if death of a minor is caused, not more than 10 years, and an additional fine under this title, or both, if

(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances describes in clause (i).

(B) For the purposes of subparagraph (A), the term "minor" means a person less than 18 years of age.

(c) . . .

# STATUTES - Major Crimes

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## **STATUTES - Major Crimes**

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### **ARSON 18 U.S.C. § 81**

Whoever, within the special maritime and territorial jurisdiction of the United States, willfully and maliciously sets fire to or burns any building, structure or vessel, any machinery or building materials or supplies, military or naval stores, munitions of war, or any structural aids or appliance for navigation or shipping, or attempts or conspires to do such an act, shall be imprisoned for not more than 25 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, or both.

If the building is a dwelling or if the life of any person be placed in jeopardy, he shall be fined under this title or imprisoned for any term of years or for life, or both.

ASSAULT  
18 U.S.C. § 113

(a) Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of any assault shall be punished as follows:

(1) Assault with intent to commit murder, by imprisonment for not more than twenty years.

(2) Assault with intent to commit any felony, except murder or a felony under chapter 109A, by a fine under this title or imprisonment for not more than ten years, or both.

(3) Assault with a dangerous weapon, with intent to do bodily harm, and without just cause or excuse, by a fine under this title or imprisonment for not more than ten years, or both.

(4) Assault by striking, beating, or wounding, by a fine under this title or imprisonment for not more than six months, or both.

(5) Simple assault, by a fine under this title or imprisonment for not more than six months, or both, or if the victim of the assault is an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 1 year, or both.

(6) Assault resulting in serious bodily injury, by a fine under this title or imprisonment for not more than ten years, or both.

(7) Assault resulting in substantial bodily injury to an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 5 years, or both.

(b) As used in this subsection -

(1) the term "substantial bodily injury" means bodily injury which involves

-

(A) a temporary but substantial disfigurement;

or

(B) a temporary but substantial loss or impairment of the function of any bodily member, organ, or mental faculty; and

(2) the term "serious bodily injury" has the meaning given that term in section 1365 of this title.

from 18 U.S.C. § 1365

(3) the term "serious bodily injury" means bodily injury which involves -

(A) a substantial risk of death;

(B) extreme physical pain;

(C) protracted and obvious disfigurement;

or

(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

(4) the term "bodily injury" means -

(A) a cut, abrasion, bruise, burn, or disfigurement;

(B) physical pain;

(C) illness;

(D) impairment of the function of a bodily member, organ, or mental faculty; or

(E) any other injury to the body, no matter how temporary.

ABUSE AND NEGLECT OF CHILDREN  
NRS 200.508 Abuse, neglect or endangerment of child

1. A person who willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served; or

(2) In all other such cases to which subparagraph (1) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 years and a maximum term of not more than 6 years; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

➡ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

2. A person who is responsible for the safety or welfare of a child and who permits or allows that child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(2) In all other such cases to which subparagraph (1) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a gross misdemeanor; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category C felony and shall be punished as provided in NRS 193.130,

➡ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.



3. A person does not commit a violation of subsection 1 or 2 by virtue of the sole fact that he delivers or allows the delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

4. As used in this section:

(a) "Abuse or neglect" means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in paragraph (d) and NRS 432B.070, 432B.100, 432B.110, 432B.140 and 432B.150. under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.

(c) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

(d) "Physical injury" means:

(1) permanent or temporary disfigurement; or

(2) Impairment of any bodily function or organ of the body.

(e) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his normal range of performance or behavior.

MAIMING  
18 U.S.C. § 114

Whoever, within the special maritime and territorial jurisdiction of the United States, and with intent to torture (as defined in section 2340), maim, or disfigure, cuts, bites, or slits the nose, ear, or lip, or cuts out or disable the tongue, or puts out or destroys an eye, or cuts off or disables a limb or any member of another person; or

Whoever, within the special maritime and territorial jurisdiction of the United States, and with the intent, throws or pours upon another person, any scalding water, corrosive acid, or caustic substance -

Shall be fined under this title or imprisoned not more that twenty years, or both.

DOMESTIC ASSAULT BY A HABITUAL OFFENDER  
18 U.S.C. § 117

(a) In general. - Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian Country and who has a final conviction on at least 2 separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses that would be, if subjected to Federal jurisdiction -

(1) any assault, sexual abuse, or serious violent felony against a spouse or intimate partner; or

(2) an offense under chapter 110A,

shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury<sup>1</sup> results from violation under this section, the offender shall be imprisoned for a term of not more than 10 years.

(b) Domestic assault defined - In this section, the term "domestic assault" means an assault committed by a current or former spouse, parent, child, or guardian of the victim, by a person with whom the victim share a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, child, or guardian, or by a person similarly situated to a spouse, parent, child, or guardian of the victim.

NOTE: Applies to any person, Indian or Non-Indian. Not required to be charged under 18 U.S.C. § 1153. Tribal, state or Federal court convictions count as predicate convictions.

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<sup>1</sup>"Substantial bodily injury" is defined in 18 U.S.C. § 113(b)(1).

THEFT  
18 U.S.C. § 661

Whoever, within the special maritime and territorial jurisdiction of the United States, takes and carries away, with intent to steal or purloin, any personal property of another shall be punished as follows:

If the property taken is of a value exceeding \$1,000, or is taken from the person of another, by a fine under this title, or imprisonment for not more than five years, or both; in all other cases, by a fine under this title or by imprisonment not more than one year, or both.

If the property stolen consists of any evidence of debt, or other written instrument, the amount of money due thereon, or secured to be paid thereby and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, shall be the value of the property stolen.

MURDER  
18 U.S.C. § 1111

(a) Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, escape, murder, kidnaping, treason, espionage, sabotage, aggravated sexual abuse or sexual abuse, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree.

Any other murder is murder in the second degree.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty in the first degree shall be punished by death or by imprisonment for life;

Whoever is guilty of murder in the second degree, shall be imprisoned for any term of years or for life.

MANSLAUGHTER  
118 U.S.C. § 1112

(a) Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

Voluntary - Upon a sudden quarrel or heat of passion.

Involuntary - In the commission of an unlawful act not amounting to a felony, or in the commission in an unlawful manner, or without due caution and circumspection, of a lawful act which might produce death.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of voluntary manslaughter, shall be fined under this title or imprisoned not more than ten years, or both;

Whoever is guilty of involuntary manslaughter, shall be fined under this title or imprisoned not more than six years, or both.

FAILURE TO REPORT CHILD ABUSE  
18 U.S.C. § 1169

(a) Any person who -

(1) 9s a -

(A) physician, surgeon, dentist, podiatrist, chiropractor, nurse, dental hygienist, optometrist, medical examiner, emergency medical technician, paramedic, or health care provider,

(B) teacher, school counselor, instructional aide, teacher's aide, teacher's assistant, or bus driver employed by any tribal, Federal, public or private school,

(C) administrative officer, supervisory of child welfare and attendance, or truancy officer of any tribal, Federal public or private school,

(D) child day care worker, headstart teacher, public assistance worker, worker in a group home or residential or day care facility, or social worker,

(E) psychiatrist, psychologist, or psychological assistant,

(F) licensed or unlicensed marriage, family, or child counselor,

(G) person employed in the mental health profession, or

(H) law enforcement officer, probation officer, worker in a juvenile rehabilitation or detention facility, or person employed in a public agency who is responsible for enforcing statutes and judicial orders;

(2) knows, or has reasonable suspicion, that -

(A) a child was abused in Indian Country, or

(B) actions are being taken, or are going to be taken, that would reasonably be expected to result in abuse of a child in Indian Country; and

(3) fails to immediately report such abuse or actions described in paragraph (4) to the local child protective services agency or local law enforcement agency,

shall be fined under this title or imprisoned for not more than 6 months or both.

(b) Any person who -

(1) supervises, or has authority over, a person described in subsection (a)(1),

and

(2) inhibits or prevents that person from making the report described in subsection (a).

shall be fined under this title or imprisoned for not more than 6 months or both.

(c) For purposes of this section, the term -

(1) "abuse" includes -

(A) any case in which -

(i) a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and

(ii) such condition is not justifiably explained or may not be the product of any accidental occurrence; and

(B) any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution;



(2) "child" means an individual who -

(A) is not married, and

(B) has not attained 18 years of age;

(3) "local child protective services agency" means that agency of the Federal Government, of a State, or of an Indian tribe that has the primary responsibility for child protection on any Indian reservation or within any community in Indian Country; and

(4) "local law enforcement" means that Federal, tribal, or State law enforcement agency that has the primary responsibility for the investigation of an instance of alleged child abuse within the portion of Indian Country involved.

(d) Any person making a report described in subsection (a) which is based upon their reasonable belief and which is made in good faith shall be immune from civil or criminal liability for making that report.

KIDNAPING  
18 U.S.C. § 1201

(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and hold for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when -

(1) the person is willfully transported in interstate or foreign commerce, regardless of whether the person was alive when transported across a State boundary if the person was alive when the transportation began;

(2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

(3) any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 46501 of title 49;

(4) the person is a foreign official, an internationally protected person, or an official guest as those terms are defined section 1116(b) of this title; or

(5) the person is among those officers and employees described in section 1114 of this title and any such act against the person is done while the person is engaged in, or on account of, the performance of official duties;

shall be punished by imprisonment for any term of years or for life and, if the death of any person results, shall be punished by death or life imprisonment.

(b) With respect to subsection (a)(1), above, the failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, inveighed, decoyed, kidnaped, abducted, or carried away shall create a rebuttable presumption that such person has been transported to interstate or foreign commerce. Notwithstanding the preceding sentence, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the 24-hour period has ended.

(c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.

(d) Whoever attempts to violate subsection (a) shall be punished by imprisonment for not more than twenty years.

(e) If the victim of an offense under subsection (a) is an internationally protected person outside the United State, the United States may exercise jurisdiction over the offense if

(1) the victim is a representative, officer, employee, or agent of the United States,

(2) an offender is a national of the United States, or

(3) an offender is afterwards found in the United States.

As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 4650` (2) of title 49. For purposes of this subsection, the term "national of the United States" has the meaning prescribed in section 101 (a)(22) of the Immigration and Nationality Act (8 U.S.C. §1101(a)(22)).

(f) In the course of enforcement of subsection (a)(4) and any other sections prohibiting a conspiracy or attempt to violate subsection (a)(4), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

(g) Special rule for certain offenses involving children. -

(1) To whom applicable. -If-

(A) the victim of an offense under this section has not attained the age of eighteen years; and

(B) the offender -

(i) has attained such age; and

(ii) is not -

(I) a parent;

(II) a grandparent;

(III) a brother;

(IV) a sister;

(V) an aunt;

(VI) an uncle; or

(VII) an individual having legal custody of the victim;

the sentence under this section for such offense shall be subject to paragraph (2) of this subsection.

(h) As used in this section, the term "parent" does not include a person whose parental rights with respect to the victim of an offense under this section have been terminated by a final court order.

ROBBERY  
18 U.S.C. § 2111

Whoever, within the special maritime and territorial jurisdiction of the United States, by force and violence, or by intimidation, takes or attempts to take from the person or presence of another anything of value, shall be imprisoned not more than fifteen years.

AGGRAVATED SEXUAL ABUSE  
18 U.S.C. § 2241

(a) By force or threat. - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly causes another person to engage in a sexual act -

(1) by using force against that other person; or

(2) by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnaping;

or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

(b) By other means. - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly -

(1) renders another person unconscious and thereby engages in a sexual act with that other person; or

(2) administers to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby -

(A) substantially impairs the ability of that other person to appraise or control conduct; and

(B) engages in a sexual act with that other person;

or attempts to do so, shall be fined under this title, imprisoned for any term or years or life, or both.

(c) With children. - Whoever crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who has not attained the

age of 12 years, or knowingly engages in a sexual act under the circumstances described in subsection (a) and (b) with another person who has attained the age of 12 years but has not attained the age of 16 years (and is a least four years younger than the person so engaging), or attempts to do so, shall be fined under this title and imprisoned for not less than 30 years or for life. If the defendant has previously been convicted of another Federal offense under this subsection, or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.

(d) State of mind proof requirement. - In a prosecution under subsection (c) of this section, the Government need not prove that the defendant knew that the other person engaging in the sexual act had not attained the age of 12 years.

SEXUAL ABUSE  
18 U.S.C. § 2242

Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly -

(1) causes another person to engage in a sexual act by threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping): or

(2) engages in a sexual act with another person if that other person is -

(A) incapable of appraising the nature of the conduct; or

(B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act;

or attempts to do so, shall be fined under this title and imprisoned for any term of years or for life.



SEXUAL ABUSE OF A MINOR OR WARD  
18 U.S.C. § 2243

(a) Of a minor. - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who -

(1) has attained the age of 12 years but has not attained the age of 16 years;  
and

(2) is at least four years younger than the person so engaging;

or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) Of a ward. - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who is -

(1) in official detention; and

(2) under the custodial, supervisory, or disciplinary authority of the person so engaging;

or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

(c) Defenses. -

(1) In a prosecution under subsection (a) of this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the other person had attained the age of 16 years.

(2) In a prosecution under this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the persons engaging in the sexual act were at that time married to each other.

(d) State of mind proof requirement. - In a prosecution under subsection (a) of this section, the Government need not prove that the defendant knew -

(1) the age of the other person engaging in the sexual act; or

(2) that the requisite age difference existed between the persons so engaging.

ABUSIVE SEXUAL CONTACT  
18 U.S.C. § 2244

(a) Sexual conduct in circumstances where sexual acts are punished by this chapter. - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in or causes sexual contact with or by another person, if so to do would violate -

(1) subsection (a) or (b) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than ten year, or both;

(2) section 2242 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than three years, or both;

(3) subsection (a) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both;

(4) subsection (b) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than six months, or both;

(5) subsection (b) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under title and imprisoned for any term of years or life.

(b) In other circumstances. - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in sexual contact with another person without that other person's permission shall be fined under this title, imprisoned not more than six months, or both.

(c) Offenses involving young children. - If the sexual contact that violates this section is with an individual who has not attained the age of 12 years, the maximum term or imprisonment that may be imposed for the offense shall be twice that otherwise provided in this section.

SEXUAL ABUSE RESULTING IN DEATH  
18 U.S.C. § 2245

A person who, in the course of an offense under this chapter, or section 1591, 2251, 2251A, 2260, 2421, 2422, 2423, or 2245, murders an individual, shall be punished by death or imprisoned for any term of years or for life.

## SEXUAL ABUSE

### Definition

18 U.S.C. § 2246

As used in this chapter -

- (1) the term “prison” means a correctional, detention, or penal facility’
- (2) the term “sexual act” means -
  - (A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however, slight;
  - (B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
  - (C) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
  - (D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;
- (3) the term “sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;
- (4) the term “serious bodily injury” means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty;

(5) the term "official detention" means -

(A) detention by a Federal officer or employee, or under the direction of a Federal officer or employee, following arrest for an offense; following surrender in lieu of arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of juvenile delinquency; following commitment as a material witness; following civil commitment in lieu of criminal proceedings or pending resumption of criminal proceedings that are being held in abeyance, or pending extradition, deportation, or exclusion; or

(B) custody by a Federal officer or employee, or under the direction of a Federal officer or employee, for purposes incident to any detention described in subparagraph (A) of this paragraph, including transportation, medical diagnosis or treatment, court appearance, work, and recreation;

but does not include supervision or other control (other than custody during specified hours or days) after release on bail, probation, or parole, or after release following a finding of juvenile delinquency; and

(6) the term "State" means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States.

SEXUAL ABUSE  
Repeat Offenders  
18 U.S.C. § 2247

(a) Maximum Term of Imprisonment. - The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter.

(b) Prior Sex Offense Conviction Defined. - In this section, the term "prior sex offense conviction" has the meaning give that term in section 2426(b).

INCEST  
NRS 201.180

Persons being within the degree of consanguinity within which marriages are declared by law to be incestuous and void who intermarry with each other or who commit fornication or adultery with each other shall be punished for a category A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of life with the possibility of parole, and may be further punished by a fine or not more than \$10,000.



BURGLARY  
NRS 205.060

1. A person who, by day or night, enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, is guilty of burglary.

2. Except as otherwise provided in this section, a person convicted of burglary is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000. A person who is convicted of burglary and who has previously been convicted of burglary or another crime involving the forcible entry or invasion of a dwelling must not be released on probation or granted a suspension of his sentence.

3. Whenever a burglary is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, the State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car traveled during the time the burglary was committed.

4. A person convicted of burglary who has in his possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.

STATUTES - Other Federal Crimes  
Prevalent in Indian Country

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**STATUTES - Other Federal Crimes**  
***Prevalent in Indian Country***

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**ASSAULT ON FEDERAL OFFICER**  
**18 U.S.C. § 111**

(a) In general. - Whoever -

(1) forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties; or

(2) forcibly assaults or intimidates any person who formerly served as a person designated in section 1114 on account of the performance of official duties during such person's term of service,

shall, where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and in all other cases, be fined under this title or imprisoned not more than 8 years, or both.

(b) Enhanced penalty. - Whoever - in the commission of any acts described in subsection (a) uses a deadly or dangerous weapon (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component) or inflicts bodily injury, shall be fined under this title or imprisoned not more than 20 years, or both.

COERCION AND ENTICEMENT  
18 U.S.C. § 2242(b)

(b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 10 years or for life.

FAILURE TO REGISTER AS A SEXUAL OFFENDER  
18 U.S.C. § 2250(a)

If a Federal Conviction:

First, the defendant is a sex offender by reason of a conviction under Federal law;

Second, the defendant is a person required to register under the Sex Offender Registration and Notification Act; and

Third, the defendant knowingly failed to register and/or update his/her registration.

If a State Conviction

First, the defendant is a sex offender by reason of a conviction under state law;

Second, the defendant is a person required to register under the Sex Offender Registration and Notification Act;

Third, the defendant knowingly failed to register and/or update his registration; and

Fourth, the defendant traveled in interstate commerce or entered or left Indian Country.

RECEIPT/DISTRIBUTION OF CHILD PORNOGRAPHY  
18 U.S.C. § 2252A(a)(2)

First, that defendant knowingly received/distributed a visual depiction in interstate or foreign commerce by any means, including a computer;

Second, that the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct;

Third, that such visual depiction was of a minor engaging in sexually explicit conduct;

Fourth, that defendant knew that such visual depiction was of sexually explicit conduct; and

Fifth, defendant knew that at least one of the person engaged in sexually explicit conduct in such visual depiction was a minor.

POSSESSION OF CHILD PORNOGRAPHY  
18 U.S.C. §2252A(a)(5)(B)

First, that defendant knowingly possessed computer disks or any other material which defendant knew contained visual depictions of minors engaged in sexually explicit conduct;

Second, defendant knew the visual depictions contained in the computer disks or any other material contained minors engaged in sexually explicit conduct;

Third, defendant knew that production of such visual depictions involved the use of minors in sexually explicit conduct; and

Fourth, that each visual depiction had been either

- (a) mailed or shipped or transported in interstate or foreign commerce by any means, including by computer, or
- (b) produced using material that had been mailed or shipped or transported in interstate or foreign commerce by any means, including by computer

TRANSFER OF OBSCENE MATERIAL TO MINORS  
18 U.S.C. § 1470

Whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.



TRANSPORTATION OF CHILD PORNOGRAPHY  
18 U.S.C. § 2252a(A)(2)

(a) Any person who -

(2) knowingly receives or distributes -

(A) any child pornography that has been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer; or

(B) any material that contains child pornography that has been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer;

SEXUAL EXPLOITATION OF CHILDREN  
18 U.S.C. § 2251

(a) Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e), if such person knows or has reason to know that such visual depiction will be transported in interstate or foreign commerce or mailed, if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported in interstate or foreign commerce or mailed.

(b) Any parent, legal guardian, or person having custody or control of a minor who knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual depiction of such conduct shall be punished as provided under subsection (e) of this section, if such parent, legal guardian, or person knows or has reason to know that such visual depiction will be transported in interstate or foreign commerce or mailed, if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported in interstate or foreign commerce or mailed.

FELON IN POSSESSION OF A FIREARM  
18 U.S.C. § 922(g)

(g) It shall be unlawful for any person -

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) who is a fugitive from justice;

(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 or the Controlled Substances Act (21 U.S.C. 802));

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

(5) who, being an alien -

(A) is illegally or unlawfully in the United States or;

(B) except as provided in subsection (y)(2), has been admitted to the United States under a non-immigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) who is subject to a court order that -

(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(9) who has been convicted in any court of a misdemeanor crime of domestic violence<sup>3</sup>.

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

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<sup>3</sup> When the reauthorization of the violence against Women Act (VAWA) passed on January 5, 2006, a provision of the Gun Control Act was revised pertaining to perpetrators who have been convicted of a misdemeanor crime of domestic violence and subsequently possessed, transported, or received a firearm. The Gun Control Act now includes tribal misdemeanor convictions of domestic violence as a qualifying event for federal prosecution.

Title 18 U.S.C. Section 921. Definitions

(33)(A)...the term "misdemeanor crime of domestic violence" means an offense that -

(i) is a misdemeanor under Federal, State, or Tribal law; and

(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim share a child in common, by a person with who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

JUVENILE IN POSSESSION OF HANDGUN  
18 U.S.C. § 922(x)

(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile -

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(2) It shall be unlawful for any person who is a juvenile to knowingly possess -

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(3) This subsection does not apply to -

(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile -

(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except -

(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun,

unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm;

(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

(iv) in accordance with State and local law;

(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

(5) For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

(6) (A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

(B) The court may use the contempt power to enforce subparagraph (A).

(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

PROHIBITED FIREARMS  
26 U.S.C. § 5861

It shall be unlawful for any person -

- (a) to engage in business as a manufacturer or importer of, or dealer in, firearms without having paid the special (occupational) tax required by section 5801 for his business or having registered as required by section 5802; or
- (b) to receive or possess a firearm transferred to him in violation of the provisions of this chapter; or
- (c) to receive or possess a firearm made in violation of the provisions of this chapter; or
- (d) to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record; or
- (e) to transfer a firearm in violation of the provisions of this chapter; or
- (f) to make a firearm in violation of the provisions of this chapter; or
- (g) to obliterate, remove, change, or alter the serial number or other identification of a firearm required by this chapter; or
- (h) to receive or possess a firearm having the serial number or other identification required by this chapter obliterated, removed, changed, or altered; or
- (i) to receive or possess a firearm which is not identified by a serial number as required by this chapter; or
- (j) to transport, deliver, or receive any firearm in interstate commerce which has not been registered as required by this chapter; or



(k) to receive or possess a firearm which has been imported or brought into the United States in violation of section 5844; or

(l) to make, or cause the making of, a false entry on any application, return, or record required by this chapter, knowing such entry to be false.

DESTRUCTION OF GOVERNMENT PROPERTY  
18 U.S.C. § 1361

Whoever willfully injures or commits any depredation against any property of the United States, or of any department or agency thereof, or any property which has been or is being manufactured or constructed for the United States, or any department or agency thereof, or attempts to commit any of the foregoing offenses, shall be punished as follows:

If the damage or attempted damage to such property exceeds the sum of \$1,000, by a fine under this title or imprisonment for not more than ten years, or both; if the damage or attempted damage to such property does not exceed the sum of \$1,000, by a fine under this title or by imprisonment for not more than one year, or both.

NOTE: *United States v. Erroll D., Jr.*, 292 F.3d 1159 (9<sup>th</sup> Cir. 2001) held that BIA is not a “person;” therefore, the defendant could not be charged under 18 U.S.C. § 1153. This statute should be used if a defendant damages any property that can be tied to the BIA or other agency of the U.S. Government, such as school buildings, police buildings, IHS Hospital, etc.

CONTROLLED SUBSTANCES<sup>4</sup>  
21 U.S.C. § 841

(a) Unlawful acts

Except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally -

- (1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or
- (2) to create, distribute, or dispense or possess with intent to distribute or dispense, a counterfeit substance.

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<sup>4</sup> Penalties depend on substance and amount. Other statutes provide enhanced penalties:

21 U.S.C. § 859 - distribution to juveniles

21 U.S.C. § 860 - distribution near schools

CONTROLLED SUBSTANCES  
21 U.S.C. § 844

(a) Unlawful acts

It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this subchapter or subchapter II of this chapter.

INTERSTATE DOMESTIC VIOLENCE  
18 U.S.C. § 2261

(a) Offenses. -

(1) Travel or conduct of offender. - A person who travels in interstate or foreign commerce or enters or leaves Indian Country with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

(2) Causing travel of victim. - A person who causes a spouse or intimate partner to travel in interstate or foreign commerce or to enter, leave or reside in Indian Country by force, coercion, duress, or fraud, and who, in the course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

(b) Penalties. - A person who violates this section or section 2261A shall be fined under this title, imprisoned -

(1) for life or any term of years, if death of the victim results;

(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the victim results;

(3) for not more than 10 years, if serious bodily injury to the victim results or if the offender uses a dangerous weapon during the offense;

(4) as provided for the applicable conduct under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison; and

(5) for not more than 5 years, in any other case, or both fined and imprisoned.

INTERSTATE STALKING  
18 U.S.C. § 2261A

Whoever -

(1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian Country, with the intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, that person, a member of the immediate family (as defined in section 11) of that person, or the spouse or intimate partner of that person; or

(2) with the intent -

(A) to kill or injure a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or

(B) to place a person in another State or tribal jurisdiction, or within the special maritime territorial jurisdiction of the United States, reasonable fear of the death or, or serious bodily injury to -

(i) that person;

(ii) a member of the immediate family (as defined in section 115) or that person; or

(iii) a spouse or intimate partner of that person,

Uses the mail or any facility of interstate or foreign commerce to engage in a course of conduct that placed that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii).

shall be punished as provided in section 2261(b).

## INTERSTATE VIOLATION OF PROTECTIVE ORDER

18 U.S.C. § 2262

### (a) Offenses. -

(1) Travel or conduct of offender. - A person who travels in interstate or foreign commerce, or enters or leaves Indian Country, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

(2) Causing travel of victim. - A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian Country by force, coercion, duress, or fraud, and in the course, or as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b).

### (b) Penalties. - A person who violates this section shall be fined under this title, imprisoned -

(1) for life or any term of years, if death of the victim results;

(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the victim results;

(3) for not more than 10 years, if serious bodily injury to the victim results or if the offender uses a dangerous weapon during the offense;

(4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether

the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

(5) for not more than 5 years, in any other case, or both fined and imprisoned.



# ELEMENTS



## **ELEMENTS**

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### **ARSON 18 U.S.C. § 81**

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant set or attempted to set fire to or burn any
  - a) building
  - b) structure or vessel
  - c) machineryOR
  - d) building materials or supplies  
AND
4. That the defendant did so willfully and maliciously.

ASSAULT WITH INTENT TO COMMIT MURDER  
18 U.S.C. § 113(a)(1)

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant intentionally struck or wounded the victim  
  
OR  
  
used a display of force that reasonably caused the victim to fear immediate  
bodily harm,  
  
AND
4. That the defendant did so with the specific intent to commit murder.

ASSAULT WITH INTENT TO COMMIT ANY FELONY  
18 U.S.C. § 113(a)(2)

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the offense occurred within Indian Country,  
  
AND
3. That the defendant intentionally struck or wounded the victim,  
  
OR  
  
used a display of force that reasonably caused the victim to fear immediate  
bodily harm,  
  
AND
4. That the defendant did so with the specific intent to commit a felony (except  
murder or a felony under chapter 109A).

ASSAULT WITH DANGEROUS WEAPON  
18 U.S.C. § 113(a)(3)

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant intentionally struck or wounded the victim  
  
OR  
  
used a display of force that reasonably caused the victim to fear immediate  
bodily harm,  
  
AND
4. That the defendant acted with the specific intent to do bodily harm,  
  
AND
5. That the defendant used a weapon.

ASSAULT BY STRIKING, BEATING OR WOUNDING  
18 U.S.C. § 113(a)(4)

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant intentionally struck or wounded the victim.

ASSAULT OF AN INDIVIDUAL UNDER THE AGE OF 16  
18 U.S.C. § 113(a)(5)

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant knowingly assaulted the victim,  
  
AND
4. That the victim has not attained the age of 16 years.

ASSAULT RESULTING IN SERIOUS BODILY INJURY<sup>1</sup>  
18 U.S.C. § 113(a)(6)

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant intentionally struck or wounded the victim,  
  
AND
4. That, as a result, the victim suffered serious bodily injury.

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<sup>1</sup> Although there are many assaults which result in serious bodily injury, it should be noted that this category may encompass cases where an individual has caused serious bodily injury to an individual as the result of a drunk driving crash.



ASSAULT RESULTING IN SUBSTANTIAL BODILY INJURY  
18 U.S.C. § 113(a)(7)

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant intentionally [struck] [wounded] the victim,  
  
AND
4. That, as a result, the victim suffered serious bodily injury,  
  
AND
5. That the victim had not attained the age of 16 years.

MAIMING  
18 U.S.C. § 114

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the offense occurred within Indian Country,  
  
AND
3. That the defendant with intent to torture, maim, or disfigure,
  - a) cuts, bites, slits the nose, ear or lip,
  - b) cut out or disables the tongue,
  - c) puts out or destroys an eye,
  - d) cuts off or disables a limb or any member of another person,  
OR
  - e) throws or pours any scalding water, corrosive acid, or caustic substance on another person.

DOMESTIC ASSAULT BY A HABITUAL OFFENDER  
18 U.S.C. § 117

1. That the defendant has at least two prior documented convictions<sup>2</sup> of any assault, sexual abuse or serious violent felony against a spouse or intimate partner;

AND

2. The act of any assault, sexual abuse or serious violent felony against a spouse or intimate partner occurred AFTER January 5, 2006.

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<sup>2</sup> The convictions can be documented with written judgments from federal, state or tribal courts.

THEFT  
18 U.S.C. § 661

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant did take and carry away the personal property of another,  
  
AND
4. That the defendant did so with the intent to steal or purloin,  
  
AND
5. That the property is of a value of more than \$1,000.

MURDER  
First Degree  
18 U.S.C. § 1111

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant unlawfully killed a human being,  
  
AND
4. That the defendant killed with malice aforethought,<sup>3</sup>  
  
AND
5. That the killing was premeditated.<sup>4</sup>

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<sup>3</sup> To Kill with malice aforethought means to kill either deliberately and intentionally or recklessly with extreme disregard for human life.

<sup>4</sup> Premeditation means with planning or deliberation. The amount of time needed for premeditation of a killing depends on the person and the circumstances. It must be long enough, after forming the intent to kill, for the killer to have been fully conscious of the intent and to have considered the killing.

MURDER  
Second Degree  
18 U.S.C. § 1111

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant killed a human being,  
  
AND
4. That the defendant killed with malice aforethought.<sup>5</sup>

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<sup>5</sup> To kill with malice aforethought means to kill either deliberately and intentionally or recklessly with extreme disregard for human life.

MANSLAUGHTER

Voluntary

18 U.S.C. § 1112

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant unlawfully killed a human being,  
  
AND
4. That the defendant either intended to kill the victim but the killing was without malice aforethought, that is, the defendant acted upon a sudden quarrel or heat of passion, or the defendant acted with reckless disregard for human life.

MANSLAUGHTER

Involuntary

18 U.S.C. § 1112

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant committed an unlawful act not amounting to a felony, or committed a lawful act, done either in an unlawful manner or with wanton or reckless disregard for human life, which might produce death,  
  
AND
4. That the defendant's act was the proximate cause of the death of the victim. A proximate cause is one which played a substantial part in bringing about the death, so that the death was the direct result or a reasonably probable consequence of the defendant's act,  
  
AND
5. That the killing was unlawful,  
  
AND
6. That the defendant either knew that such conduct was a threat to the lives of others or knew of circumstances that would reasonably cause the defendant to foresee that such conduct might be a threat to the lives of others.



FAILURE TO REPORT CHILD ABUSE  
18 U.S.C. § 1169

1. That the defendant is a person defined in 18 U.S.C. § 1169(a),  
  
AND
2. The defendant knew or had reasonable suspicion that a child was abused in  
Indian Country  
  
OR  
  
that actions were taken, or going to be taken that would reasonably be  
expected to result in abuse of a child in Indian Country;  
  
AND
3. The defendant failed to immediately report the abuse or actions to local  
child protective services agency or local law enforcement agency.

KIDNAPING  
18 U.S.C. § 1201(a)(2)

1. That the defendant is an Indian person,  
  
AND
2. That the kidnaping occurred within Indian Country,  
  
AND
3. That the defendant seized, confined, inveigled, decoyed, kidnaped, or abducted the victim,  
  
AND
4. That the defendant held the victim for ransom, reward or other benefit or purpose.

ROBBERY  
18 U.S.C. § 2111

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant did take, or attempt to take, from the person or presence of another, something of value,  
  
AND
4. That the defendant did so by force and violence or intimidation.

AGGRAVATED SEXUAL ABUSE

Force

18 U.S.C. § 2241(a)

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant knowingly used force  
  
OR  
  
threatened or placed the victim in fear that some person would be subject to death, serious bodily injury or kidnaping,  
  
AND
4. That the defendant caused the victim to engage in a sexual act.

AGGRAVATED SEXUAL ABUSE

Other Means

18 U.S.C. § 2241(b)

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian County,  
  
AND
3. That the defendant knowingly administered a drug, intoxicant or other  
similar substance to the victim by force or threat of force  
  
OR  
  
without the knowledge or permission of the victim,  
  
AND
4. That as a result, the victim's ability to judge or control conduct was  
substantially impaired,  
  
AND
5. That the defendant then engaged in a sexual act with the victim.

AGGRAVATED SEXUAL ABUSE  
Child  
18 U.S.C. § 2241(c)

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant knowingly engaged in a sexual act with the victim,  
  
AND
4. That at the time, the victim had not yet reached the age of twelve years.

SEXUAL ABUSE  
Threat  
18 U.S.C. § 2242(1)

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant knowingly caused the victim to engage in a sexual act by threatening or placing the victim in fear.

SEXUAL ABUSE  
Incapacitated or Handicapped Victim  
18 U.S.C. § 2242(2)

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant knowingly engaged in a sexual act with the victim,  
  
AND
4. That the victim was incapable of recognizing the nature of the conduct  
  
OR  
  
physically incapable of declining participation in  
  
OR  
  
communicating unwillingness to engage in that sexual act.



STATUTORY SEXUAL ABUSE  
18 U.S.C. § 2243(a)

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant knowingly engaged in a sexual act with the victim,  
  
AND
4. That the victim had reached the age of twelve years but had not yet reached the age of sixteen years,  
  
AND
5. That the victim was at least four years younger than the defendant.

SEXUAL ABUSE OF A WARD  
18 U.S.C. § 2243(b)

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant knowingly engaged in a sexual act with the victim,  
  
AND
4. That at the time the victim was in official detention at a facility,  
  
AND
5. That the victim was under the custodial, supervisory or disciplinary authority of the defendant.

## ABUSIVE SEXUAL CONTACT

### General

#### 18 U.S.C. § 2244(a)

The offenses defined in 18 U.S.C. §§ 2241, 2242 and 2243 as sexual abuse become abusive sexual contact under 18 U.S.C. § 2244 if there was not a “sexual act” but there was a “sexual contact.” Those terms are defined in Sections 2246(2) and (3). Accordingly, when it is necessary to instruct a jury on abusive sexual contact, the appropriate sexual abuse instruction should be used with “a sexual contact” substituted for “a sexual act.”

Section 2244 does not make it a crime to attempt a sexual contact.

ABUSIVE SEXUAL CONTACT  
In Other Circumstance  
18 U.S.C. § 2244(b)

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the offense occurred within Indian Country,  
  
AND
3. That the defendant knowingly had sexual contact with the victim,  
  
AND
4. That the sexual contact was without the victim's permission.

SEXUAL ABUSE RESULTING IN DEATH  
18 U.S.C. § 2245

When it is necessary to instruct a jury on sexual abuse resulting in death, the appropriate sexual abuse instruction should be used with the following element added:

\*\* that the sexual act resulted in the death of the victim.

ASSAULT ON FEDERAL OFFICER  
18 U.S.C. § 111

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant intentionally used force,  
  
AND
4. That the defendant did so while the federal officer was engaged in, or on account of his/her official duties;  
  
AND
5. That the defendant used a weapon/inflicted bodily injury.

COERCION AND ENTICEMENT  
18 U.S.C. § 2422(b)

1. That the defendant used the mail or any facility or means of interstate foreign commerce;
2. To knowingly persuade, induce, entice or coerce;
3. An individual who has not attained the age of eighteen or whom the defendant believed had not attained the age of eighteen;

AND

4. To engage in a sexual activity for which any person can be charged with a criminal offense or took a substantial step towards doing so.

FAILURE TO REGISTER AS A SEXUAL OFFENDER  
18 U.S.C. § 2250(a)

1. That the defendant is a sex offender by reason of a conviction under state law;

AND

2. That the defendant is a person required to register under the Sex Offender Registration and Notification Act;

AND

3. That the defendant knowingly failed to register and/or update his registration;
4. That the defendant traveled in interstate or foreign commerce.



POSSESSION OF CHILD PORNOGRAPHY  
2252A(a)(5)(B)

1. That the defendant knowingly possessed computer disks or any other material which the defendant knew contained visual depictions of minor engaged in sexually explicit conduct;

AND

2. That the defendant knew the visual depictions contained in the computer disks or any other material contained minors engaged in sexually explicit conduct;

AND

3. That the defendant knew that production of such visual depictions involved use of minor in sexually explicit conduct;

AND

4. That each visual depiction had been either
  - (a) mailed or shipped or transported in interstate or foreign commerce by any means, including by computer; or
  - (b) produced using material that had been mailed or shipped or transported in interstate or foreign commerce by any means, including by computer.

RECEIPT/DISTRIBUTION OF CHILD PORNOGRAPHY  
18 U.S.C. § 2252A(a)(2)

1. That the defendant knowingly received a visual depiction in interstate or foreign commerce by any means, including a computer;

AND

2. That the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct;

AND

3. That such visual depiction was of a minor engaging in sexually explicit conduct;

AND

4. That the defendant knew that such visual depiction was of sexually explicit conduct;

AND

5. That the defendant knew that at least one of the persons engaged in sexually explicit conduct in such visual depiction was a minor.

TRANSFER OF OBSCENE MATERIAL TO MINORS  
18 U.S.C. § 1470

1. That the defendant used the mail or any facility or means of interstate or foreign commerce;
  2. To knowingly transfer obscene material;
- AND
3. To an individual that the defendant knew was under the age of sixteen years.

TRANSPORTATION OF CHILD PORNOGRAPHY  
18 U.S.C. § 2252A(a)(1)

1. That the defendant knowingly transported a visual depiction in interstate or foreign commerce by any means, including a computer;

AND

2. That the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct;

AND

3. That such visual depiction was of a minor engaged in sexually explicit conduct;

AND

4. That the defendant knew that such visual depiction was of sexually explicit conduct;

AND

5. That the defendant knew that at least one of the persons engaged in sexually explicit conduct in such visual depiction was a minor.

SEXUAL EXPLOITATION OF CHILDREN  
18 U.S.C. § 2251(a)

1. That at the time, the victim was under the age of eighteen years;  
  
AND
2. That the defendant employed, used, persuaded, induced, enticed or coerced the minor to take part in or had a minor assist any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct;  
  
AND
3. That the visual depiction was produced using materials that had been mailed, shipped, or transporter across state lines or in foreign commerce.

SEXUAL EXPLOITATION OF CHILDREN

By Parent or Guardian

18 U.S.C. § 2251(b)

1. That at the time, the victim was under the age of eighteen years;  
  
AND
2. That the defendant was the parent, legal guardian or person having custody or control of the minor;  
  
AND
3. That the defendant knowingly permitted such minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct;  
  
AND
4. That the visual depiction was produced using materials that had been mailed, shipped, or transported across state lines or in foreign commerce.

UNLAWFUL POSSESSION OF FIREARM  
Convicted of Felony  
18 U.S.C. § 922(g)(1)

1. That the defendant knowingly possessed in or affecting commerce a firearm,  
  
AND
2. That at the time the defendant possessed the firearm he had been convicted  
of a felony.

UNLAWFUL POSSESSION OF FIREARM

Subject to Court Order

18 U.S.C. § 922(g)(8)

1. That the defendant knowingly possessed in or affecting commerce a firearm,  
  
AND
2. That at the time the defendant was subject to a qualifying court order.



UNLAWFUL POSSESSION OF FIREARM  
Convicted of Domestic Violence  
18 U.S.C. § 922(g)(9)<sup>6</sup>

1. That the defendant knowingly possessed a firearm in or affecting commerce,  
  
AND
2. That prior to that date, the defendant had been conviction of a misdemeanor crime of violence.

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<sup>6</sup> 1. Federal, state, or tribal misdemeanor crime of domestic violence conviction which meets the definition of section 922(33)(A)(ii); and

*Remember: Tribal Judges must spell out in their judgments/orders of conviction the following elements for the tribal conviction to qualify:*

A. A DEFENDANT IS CONVICTED DOING ONE OF THE FOLLOWING THINGS:

1. use physical force against a victim;
2. attempt to use physical force against a victim; or
3. threaten to use a deadly weapon against a victim.

B. THE DEFENDANT MUST QUALIFY AS ONE OF THE FOLLOWING:

1. a current spouse;
2. a former spouse;
3. a parent;
4. a guardian of the victim;
5. a person with whom the victim share a child in common;
6. a person who is cohabiting with the victim;
7. a person who "has" cohabited with the victim as a spouse, parent, or guardian; or
8. by a person similarly situated to a spouse, parent, or guardian of the victim.

UNLAWFUL POSSESSION OF FIREARM  
Juvenile in Possession of a Handgun  
18 U.S.C. § 922(x)

1. That the defendant had not attained the age of 18 years,  
  
AND
2. That the juvenile knowingly possessed a handgun or ammunition that is suitable for use only in a handgun.

UNLAWFUL POSSESSION OF FIREARM  
Sawed Off Shotgun/Machine Gun  
26 U.S.C. § 5862(d)

1. That the defendant knowingly possessed a shotgun having a barrel or barrels of less than 18 inches in length,

AND

2. That the firearm was not registered to the defendant in the National Firearms Registration and Transfer Record,

AND

3. That the defendant knew the characteristics of the weapon that brought it within the definition of a firearm under the National Firearms Act, that is the defendant knew he possessed a shotgun with a barrel length shorter than 18 inches or with an overall length less than 26 inches,

OR

That the defendant knew the firearm was designed or modified to fire automatically,

AND

4. That the shotgun was capable of being fired, or could be readily restored to do so.

UNLAWFUL POSSESSION OF FIREARM  
No Serial Number  
26 U.S.C. §5862(I)

1. That the defendant knowingly possessed a firearm,  
  
AND
2. That there was no serial number on the firearm.

DESTRUCTION OF GOVERNMENT PROPERTY  
18 U.S.C. § 1361

1. That the defendant committed a depredation against property of an agency of the United States;

AND

2. The defendant did so willfully;

AND

3. The damage to the property exceeded \$1,000.

CONTROLLED SUBSTANCES

Distribution

21 U.S.C. § 841(a)(1)

1. That the defendant intentionally delivered [substance] to [\_\_\_\_],  
  
AND
2. That the defendant knew that it was [substance] or some other prohibited drug.

CONTROLLED SUBSTANCES  
Possession with Intent to Distribute  
21 U.S.C. § 841(a)(1)

1. That the defendant knowingly possessed [substance],  
  
AND
2. That the defendant possessed it with intent to deliver it to another person.

CONTROLLED SUBSTANCES

Distribution to Juvenile

21 U.S.C. §§ 841(a)(1), 859

1. That the defendant knowingly delivered [substance] to [\_\_\_\_],  
  
AND
2. That the defendant knew that it was [substance] or some other prohibited drug,  
  
AND
3. That the defendant was at least 18 years of age,  
  
AND
4. [\_\_\_\_] was under 21 years of age.



CONTROLLED SUBSTANCES  
Distribution Near Schools  
21 U.S.C. §§ 841(a)(1), 860

1. That the defendant intentionally delivered [substance] to [\_\_\_\_],  
  
AND
2. That the defendant knew that it was [\_\_\_\_] or some other prohibited drug,  
  
AND
3. The delivery took place in, on or within 1,000 feet of the  
[schoolyard][campus].

INTERSTATE DOMESTIC VIOLENCE

Crossing a State Line  
18 U.S.C. § 2261(a)(1)

1. That the defendant traveled across a State line  
  
OR  
  
entered/left Indian Country  
  
AND
2. That the defendant did so with the intent to kill, injure, harass, intimidate his spouse or intimate partner,  
  
AND
3. That in the course of or as a result of the defendant's travel he intentionally committed a crime of violence against that spouse or intimate partner.

INTERSTATE DOMESTIC VIOLENCE  
Causing the Crossing of a State Line  
18 U.S.C. § 2261(a)(2)

1. That the defendant caused his spouse or intimate partner to cross a State line  
  
OR  
  
enter/leave Indian Country,  
  
AND
2. That the defendant did so by force, coercion, duress, or fraud,  
  
AND
3. That in the course of or as a result of the defendant's conduct, he intentionally committed a crime of violence against his spouse or intimate partner.

INTERSTATE STALKING  
Traveling  
18 U.S.C. § 2261A

1. That the defendant traveled across a state line,  
  
OR  
  
entered/left Indian Country,  
  
AND
2. That the defendant did so with the intent to kill, injure, harass or intimidate another person,  
  
AND
3. That in the course of, or as a result of such travel, the defendant placed that other person in reasonable fear of the death or, or serious bodily injury to that person  
  
OR  
  
a member of that person's immediate family  
  
OR  
  
the spouse or intimate partner of that person.

INTERSTATE STALKING  
Use of Mail  
18 U.S.C. § 2261A

1. That the defendant used the mail or any facility of interstate or foreign commerce,

AND

2. That the defendant did so with the intent to kill or injure a person in another state of tribal jurisdiction,

OR

Did so with the intent to place a person in another state or tribal jurisdiction in reasonable fear of the death or, or serious bodily injury to

- (i) that person, or
- (ii) a member of the immediate family of that person, or
- (III) a spouse or intimate partner of that person

AND

3. That the defendant thereby placed that person in reasonable fear of, or serious bodily injury to, any of the persons described in (i), (ii), or (iii).

INTERSTATE VIOLATION OF PROTECTIVE ORDER  
Crossing a State Line  
18 U.S.C. § 2262(a)(1)

1. That the defendant traveled across a state line  
  
OR  
  
entered/left Indian Country,  
  
AND
2. That the defendant did so with the intent to engage in conduct that would violate the portion of a protective order that involved protection against threats, violence, harassment, contact or communication to the person or persons for whom the protection order was issued.  
  
AND
3. That the defendant subsequently engaged in such conduct.

INTERSTATE VIOLATION OF PROTECTIVE ORDER  
Causing the Crossing of a State Line  
18 U.S.C. § 2262(a)(2)

1. That the defendant caused another person to travel across a state line  
  
OR  
  
enter/leave Indian Country,  
  
AND
2. That the defendant did so by force, coercion, duress or fraud,  
  
AND
3. That in the course of or as a result of that conduct, the defendant engaged in conduct that would violate the portion of a protective order that involved protection against threats, violence, harassment, contact or communication to the person or persons for whom the protection order was issued,  
  
AND
4. That the defendant subsequently engaged in such conduct.

# STATEWIDE NATIVE AMERICAN CONFERENCE

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## **STATEWIDE NATIVE AMERICAN CONFERENCE**

As of 2009, we have sponsored 13 statewide Native American Conferences in the District of Nevada. All the conferences thus far have been held in Winnemucca, Nevada, during the summer. This year the Conference will be held in Elko, Nevada, on July 27-29, 2010. Each year this conference gives everyone a great opportunity to meet, learn, discuss and address some very topical and critical issues facing not only our tribes, but also our society in general. The topic of this year's conference will be "Working Together for Hope, Healing and Justice."

The conference will also address some of the pertinent legal and jurisdictional problems facing the Indian Country community. This year's conference will also include State and Federal Victim Assistance and Crime Victim Compensation experts who will provide resources to assist victims.

The conferences are held over a three-day period and are open to all Tribal chairs, administrators, social and health care workers, law enforcement, court personnel and others who might benefit from attending. Historically, scholarships are offered to individuals who would not be able to attend otherwise.

# NATIVE AMERICAN NETWORK

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## NATIVE AMERICAN NETWORK

The *Native American Network* is a publication that the United States Attorney's office in the District of Nevada sends out several times a year. The *Native American Network* serves several purposes, but mainly serves as a community outreach tool. The publication notifies the Tribes of upcoming events, including the statewide Native American Conference, various grants, and it also provides a summary and update for all Indian Country cases that have been charged in the District of Nevada. The "case tracking method" through the *Native American Network* allows all the Tribal officials and members to view the progress and eventual outcome of Indian Country cases charged in the District of Nevada.

# *NATIVE AMERICAN NETWORK*

February 2010

District of Nevada

## **GALENA GHOST TOWN WASHOE COUNTY (Population 10)**



**Daniel G. Bogden  
United States Attorney**

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U.S. Attorney's Office, Las Vegas    (702) 388-6336; (800) 539-8002; fax: (702) 388-6418  
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# NATIVE AMERICAN NETWORK



FROM THE DESK OF DANIEL G. BOGDEN,  
UNITED STATES ATTORNEY

I want to take this opportunity to introduce myself as United States Attorney and thank USA Gregory Brower for all his work as United States Attorney advancing our Tribal Justice program in Nevada. I commit to you that our USAO intends to build on its previous work and continue to be a strong advocate for the dual needs of increased law enforcement services to Indian Country and continued funding for crime prevention and intervention. The Department of Justice is equally committed. Our USAO has already compiled and are putting the finishing touches on our District of Nevada Informational Resource Manual for Tribal Matters. We will have this valuable informational resource manual finalized, copied and made available this spring.

Attorney General Eric Holder has announced sweeping reforms intended to improve public safety on tribal land. The new directive is part of a larger Justice Department initiative to create better communication and coordination to fight crime and promote justice in Indian Country. In announcing the directive, Attorney General Holder noted, "The public safety challenges we face in Indian Country will not be solved by a single grant or a single piece of legislation. There is no quick fix. While today's directive is significant progress, we need to continue our efforts with federal, state and tribal partners to identify solutions to the challenges we face, and work to implement them."

In announcing the initiative, Attorney General Holder directed all United States Attorneys' Offices with districts containing Indian Country (44 districts out of 93 districts) to: 1) meet and consult with tribes in their district annually; 2) develop an operational plan addressing public safety in Indian Country; 3) work closely with law enforcement to pay particular attention to violence against women in Indian Country and make these crimes a priority; and 4) to provide summaries of their operational plans to the Office of the Deputy Attorney General and make those summaries available to the tribes in their districts. The Attorney General also announced that the Justice Department's FY 2010 appropriation includes an additional \$6 million for Indian Country prosecution efforts. It is anticipated that at least 35 additional Assistant United States Attorneys and 12 additional FBI victim specialists will be added in offices with an Indian Country caseload.

These new resources will enable the Justice Department to bring the federal justice system closer to Indian Country, including through a Community Prosecution Pilot Project that the Executive Office of United States Attorneys is currently developing. These new initiatives came about based upon recommendations that have been gathered by Department leadership as part of a larger department-wide initiative on public safety in tribal communities. As part of this effort, Deputy Attorney General David W. Ogden and Associate Attorney General Tom Perrelli conducted a series of meetings addressing violent crime in Indian Country. On October 28-29, 2009, Attorney General Holder convened a national tribal leaders listening session in St. Paul, Minnesota. Also in October, the Justice Department held its annual tribal consultation on violence against women, as required by the Violence Against Women Act of 2005. The department also had the opportunity to engage with tribal leaders on public safety in tribal communities during the White House Tribal Nations Conference in November 2009. In addition to these sessions with tribal leaders, department leadership has conducted meetings with Indian Country experts on law enforcement and public safety efforts. The net result is the Justice Department's initiative to create better communication and coordination to fight crime and promote justice in Indian Country.

JULY 27-29, 2010

14th State-Wide Native American Conference  
Elko, Nevada

This year's conference theme is: *Working Together for Hope, Healing and Justice* and will be held in Elko, Nevada. Some of the topics that we anticipate being presented are: "Empowering the Child Victim" - Your Multi-Disciplinary Team (MDT) Can Make It Happen, Understanding the Mind of a Perp, It Takes a Team to Protect a Child, What every Investigator Needs to Know About the Dynamics of Children, Shaken Baby Syndrome, and Federal Acts Update. There will be more details on the conference in the next newsletter, along with a registration form.



# NATIVE AMERICAN NETWORK



## PRESIDENT BARACK OBAMA'S REMARKS AT THE WHITE HOUSE TRIBAL NATIONS CONFERENCE ON NOVEMBER 5, 2009

Good morning to all of you. I am honored to be with you today at this unique and historic event, the largest and most widely attended gathering of tribal leaders in our history. I am so grateful to many members of Congress who could join us today, along with several members of my Cabinet who will be participating in this conference today.

You know, a couple of summers ago I had the opportunity to visit the Crow Nation in Montana. And while I was there I was adopted into the nation by a wonderful couple, Hartford and Mary Black Eagle. And I know what they're saying now. Kids grow up so fast. Only in America could the adoptive son of Crow Indians grow up to become president of the United States.

It's now been a year since the American people went to the polls and gave me this extraordinary privilege and responsibility.

And part of what accounts for the hope people felt on that day, I think, was a sense that we had an opportunity to change the way Washington worked, a chance to make our federal government the servant not of special interests but of the American people.

It was a sense that we had an opportunity to bring about meaningful change for those who had for too long been excluded from the American dream. And few have been more marginalized and ignored by Washington for as long as Native Americans, our first Americans.

We know the history that we share. It's a history marked by violence and disease and deprivation. Treaties were violated. Promises were broken. You were told your lands, your religion, your cultures, your languages were not yours to keep. And that's a history that we've got to acknowledge, if we are to move forward.

We also know our more recent history, one in which too often Washington thought it knew what was best for you. There was too little consultation between governments. And that's a major reason why things are the way they are today.

Some of your reservations face unemployment rates of up to 80 percent. Roughly a quarter of all Native Americans live in poverty. More than 14 percent of all reservation homes don't have electricity. And 12 percent don't have access to a safe water supply.

In some reservations, as many as 20 people live together, just to get by. Without real communication and consultation, we're stuck year after year with policies that don't work on issues specific to you and on broader issues that affect all of us. And you deserve to have a voice in both.

I know that you may be skeptical that this time won't be any different. You have every right to be. And nobody would have blamed you if you didn't come today. But you did, and I know what an extraordinary leap of faith that is on your part.

And that's why I want you to know that I'm absolutely committed to moving forward with you and forging a new and better future together. It's a commitment that's deeper than our unique nation-to-nation relationship.

It's a commitment to getting this relationship right, so that you can be full partners in the American economy, and so your children and your grandchildren can have an equal shot at pursuing the American dream. And that begins by fulfilling the promises I made to you during my campaign.

I promised you a voice on my senior staff in the White House, so that you'd have a seat at the table when important decisions are being made about your lives, your nations and your people.

And that's why I appointed Kimberly Teehee of the Cherokee Nation, as my Native American policy adviser, and Jodi Gillette of the Standing Rock Sioux Tribe, to work directly with all of you.

That's why Secretary Salazar and I selected Larry EchoHawk of the Pawnee Nation, to serve as assistant secretary for Indian Affairs here at Interior. And they are doing great work so far.

I also told you that we'd shake up the bureaucracy and get policymakers out of Washington, so they could hear directly from you about your hopes, your dreams and the obstacles that keep you from pursuing them.

Secretary Salazar in particular has helped lead a comprehensive outreach to tribal communities.

And Attorney General Eric Holder, Energy Secretary Steven Chu, HUD Secretary Shaun Donovan, Secretary of Education Arne Duncan and Secretary of Agriculture Tom Vilsack, along with several members of my staff, have held listening sessions on American Indian and Alaska Native issues around the country and at the White House.

I promised you we'd host this conference to develop an agenda that works for your communities, because I believe Washington can't and shouldn't dictate a policy agenda for Indian country. Tribal nations do better when they make their own decisions. That's why we're here today.

And I want to be clear about this. Today's summit is not lip service. We're not going to go through the motions and pay tribute to one another and then furl up the flags and go our separate ways. Today's sessions are part of a lasting conversation that's crucial to our shared future.

Now Secretary Salazar and Assistant Secretary Echo Hawk are among the best advocates you could have in Washington, and this department is doing fantastic work under their leadership. But being good partners with tribal nations is a responsibility we've all got to take on. That's why representatives of multiple agencies are here today, because if we're going to address the needs of Native Americans in a comprehensive way, then we've got to mount a comprehensive response.

A major step toward living up to that responsibility is the presidential memorandum that I'll be signing at this desk in just a few moments. In the final years of his administration, President Clinton issued an executive order establishing regular and meaningful consultation and collaboration between your nations and the federal government. But over the past nine years, only a few agencies have made an effort to implement that executive order, and it's time for that to change.



# NATIVE AMERICAN NETWORK

## PRESIDENT BARACK OBAMA'S REMARKS AT THE WHITE HOUSE TRIBAL NATIONS CONFERENCE ON NOVEMBER 5, 2009 (cont)

The memorandum I'll sign directs every Cabinet agency to give me a detailed plan within 90 days of how -- the full implementation of that executive order and how we're going to improve tribal consultation. And after all, there are challenges we can only solve by working together.

And we face a serious set of issues right now. We face our economic crisis, in which we took bold and swift action, including in your communities.

We allocated more than \$3 billion of the recovery act to help with some of your most pressing needs, like rebuilding and renovating schools on reservations across the country. We provided more than \$100 million in loans to spur job creation in tribal economies. And we made sure my budget included significant increases in funding for the Bureau of Indian Affairs, the Indian Health Service, and other agencies that have critical roles to play in your communities.

But if we're going to bring real and lasting change for Native Americans, we need a comprehensive strategy, as I said before. Part of that strategy is health care. We know that as long as Native Americans die of illnesses like tuberculosis, alcoholism, diabetes, pneumonia and influenza at far higher rates than the rest of the population, then we're going to have to do more to address disparities in health-care delivery.

More than half of all Native Americans and Alaska natives, especially those in remote areas with limited access to care, rely on the Indian Health Service for their most basic needs. And that's why we invested \$500 million on the recovery act in strengthening and modernizing the IHS. And that's why my budget proposes an increase of 13 percent in IHS funding.

We're also closer than ever to passing health insurance reform that will finally make quality insurance affordable to all Americans who don't have coverage, and finally offer stability and security to Americans who do, and that includes our first Americans.

When it comes to creating jobs, closing the opportunity gap and leaving something better for our future generations, few areas hold as much promise as clean energy. Up to 15 percent of our potential wind energy resources are on Native American land. And the potential for solar energy is even higher. But too often, you face unique hurdles to developing these renewable resources. And that's why I'm very proud, under Secretary Salazar's leadership, we're looking for new opportunities to ensure that you have a say in planning for access to the transmission grid.

We're streamlining and expediting the permit process for energy development and transmission across tribal lands. We are securing tribal access to financing and investments for new energy projects. And thanks to the recovery act, we've established an energy auditor training program that could prepare Native Americans for the green jobs of the future. And that's going to be absolutely important. But the future of Indian country rests on something more, the education we provide our children. You know, we know that Native Americans face some of the lowest matriculation rates and highest high school- and college- dropout rates, and that's why the recovery act also included \$170 million for Indian education, and \$277 million for Indian school construction; and that's why my budget provided \$50 million in advanced funding for tribal colleges that are often economic lifelines for a community.

Students who study at a tribal college are eight times less likely to drop out of higher education. They continue on to a four-year institution at a higher rate than students in community colleges, and nearly 80 percent of them end up in careers that help their tribal nation.

And none of our efforts will take root if we can't even guarantee that our communities are safe, safe places to learn, safe places to grow, safe places to thrive. And on some reservations, violent crime is more than 20 times the national average. The shocking and contemptible fact that one in three Native American women will be raped in their lifetimes is an assault on our national conscience that we can no longer ignore.

So tribes need support in strengthening their law enforcement capability. They need better resources and more training. And my administration fully appreciates the complexity and challenges you face when it comes to the criminal justice system on tribal lands. So we need to have a serious conversation with regards to all aspects of your public safety, and that's a conversation my administration is committed to doing.

So this is a challenge we take very seriously. The Department of Justice, the Department of the Interior, the Department of Homeland Security and the Department of Health and Human Services are all working on ways to empower tribal governments to ensure greater safety in their own communities.

And I want to particularly commend Attorney General Eric Holder for his efforts on this so far.

I also strongly support the Tribal Law and Order Act, and I thank Chairman Dorgan and Representative Herseth Sandlin for their leadership on this issue. And I look forward to Congress passing it so I can sign it into law.

There's a lot of work to be done today. But before we get at it, I want to close with this. I know you've heard this song from Washington before. I know you've often heard grand promises that sound good but rarely materialize. And each time, you're told, "This time will be different." But over the last few years I've had a chance to speak with Native American leaders across the country about the challenges you face, and those conversations have been deeply important to me.

I get it. I'm on your side. I understand what it means to be an outsider. I was born to a teenaged mother. My father left when I was two years old, leaving her -- my mother and my grandparents to raise me. We didn't have much. We moved around a lot. So even though our experiences are different, I understand what it means to be on the outside looking in. I know what it means to feel ignored and forgotten, and what it means to struggle. So you will not be forgotten as long as I'm in this White House.

Working together, we're going to make sure that the first Americans, along with all Americans, get the opportunities they deserve.



# NATIVE AMERICAN NETWORK

## ATTORNEY GENERAL HOLDER ANNOUNCES TRIBAL NATIONS LEADERSHIP COUNCIL



On October 29, 2009, Attorney General Holder delivered the remarks at the Tribal Nations Listening Session. Below are excerpts of some of his key remarks.

... "Our commitment to open, frank communication among our governments will not end this evening. There will be additional opportunities for us to speak – and to listen – to one another in the months and years ahead. But make no mistake: the time has come for us to act, for us to develop enduring solutions to the public safety challenges we face. Families and communities across Indian Country are counting on us. Your proposals will guide us as we find the way forward together. And as I said earlier today, this Justice Department's policies will reflect the principles of tribal sovereignty and Indian self-determination – today, tomorrow, and always.

In the short-term, we need to better coordinate federal efforts so that you receive the resources you need as part of our trust obligation. But we also need to look at long-term solutions and programs. You know best what policies and enforcement strategies will work in your own tribal communities, but you need the resources to implement them. We must learn from the lessons of the past as we make decisions about how to allocate the resources we have now, and the resources we will continue to fight for in the future."

... "I know that you have been working hard to help the Justice Department understand and address the needs of tribal communities for a long time. We are here today in large part because of your contributions, and I thank you. We in the Department of Justice must continue to listen, and to learn, from our partners in tribal governments. The following steps will, I think, strengthen our existing relationship and make our dialogue even more productive.

First, to ensure that we continue the progress we made today, I am announcing the creation of a Tribal Nations Leadership Council. The Council will meet twice a year, and will help coordinate efforts between the Justice Department and tribal governments. The members of the Leadership Council will be chosen by the tribes. Specifically, one tribal leader will be selected by his or her regional peers from each of the 12 regions identified by the Bureau of Indian Affairs.

Second, to ensure that the Justice Department's senior officials continue to develop first-hand experience with the challenges facing Indian Country, I am announcing my intention to visit several tribal communities during the next year and beyond. As I said earlier, this Listening Session is the beginning. Our dialogue will not end when we leave here this evening, and your continued input will be critical as we work together in the months and years ahead.

We know one thing already. Money alone cannot fix the public safety problems in Indian Country. In many cases, the federal government hasn't done an effective job with the money it's had. This is one reason why coordination across the federal government will be so important.

But while money alone isn't the answer, adequate financial resources are a critical part of a comprehensive solution. We are determined to fight for additional funding for tribal justice initiatives – this year, next year, and in the years to come. I'm pleased to announce that the Department's grant components – the Community Oriented Policing Services Office, known as COPS, the Office on Violence Against Women, and the Office of Justice Programs – have distributed available funds from both our fiscal year 2009 accounts and our Recovery Act dollars to provide almost \$400 million to tribal communities through more than 25 grant programs.

This funding means more than \$29 million in funding to hire 87 new tribal law enforcement officers, to purchase crime-fighting technology systems and basic equipment, and to secure training and technical assistance.

This funding means almost \$71 million to build the capacity to combat violent crimes against Native women and to enhance victim safety and prevention strategies for tribal governments and tribal nonprofit organizations.

This funding also means more than \$295 million to support critical needs, including resources to: construct and renovate correction facilities and tribal courts; create sex offender registries to protect children from predators; address the impact of alcohol abuse and substance abuse on tribal communities; improve tribal juvenile-justice systems, including prevention and mental health services; and, comprehensively address infrastructure needs to create safer communities."

... "We're working closely with Congress to pass the Tribal Law and Order Act. I know that many of you are also working to ensure the passage of this important legislation. The Justice Department fully supports the bill and we look forward to the day that President Obama signs it into law.

With or without this legislation, we must act now to protect youth in Indian Country. Violence against children doesn't just impact the child, or the child's family. It devastates entire communities, because it leads to so many other forms of violence. When children witness or experience violence in the home, it affects how they feel, how they act, and how they learn. Without intervention, children who are exposed to violence are at higher risk for school failure, substance abuse, repeat victimization, and, perhaps most tragically, committing violence later in their own lives.

As a father of three children, I recognize that change has to come from within families as well. We all need to be role models for our children so that they have the best chance of living in families and communities free from violence. Let me be clear- there is no excuse, NONE, to allow violence to be a part of our children's lives wherever they live. And no woman, wherever she lives, should ever be a victim of violence. We must work together to eradicate these twin plagues.

The public safety challenges we face in Indian Country will not be solved by a single grant, or a single piece of legislation. There is no quick fix. We need to continue listening to you and to your proposals. We need to continue learning about the particular challenges you face in your communities and about your ideas to address those challenges. In short, we need to keep working together to identify solutions and to implement them."



# NATIVE AMERICAN NETWORK

## INDIAN COUNTRY CASE UPDATE

**DARYL ALAN HARNEY**, Duck Valley Indian Reservation, Owyhee, Nevada, was indicted by the Federal Grand Jury on December 19, 2007. He is charged with setting a fire at a residence, endangering the life of the occupants. On October 16, 2008, Harney entered a plea of guilty to Destruction of Property. On September 28, 2009, Harney was sentenced to five years probation and to pay restitution in the amount of \$89,763.14.

**CHESTER DAMON GARFIELD**, McDermitt Indian Reservation, was indicted by the Federal Grand Jury on January 16, 2008, on one count of Assault Resulting in Serious Bodily Injury. On January 13, 2009, Garfield entered a plea of guilty to one count of Assault. On July 13, 2009, Garfield was sentenced to a term of six months imprisonment.

**JUVENILE MATTER**, on June 19, 2008, a Juvenile was charged by information with one count of Juvenile Delinquency, Larceny. The Juvenile admitted to committing the Larceny and was sentenced to a three year term of probation. Sometime in December 2008, the juvenile absconded from probation. When the juvenile was found, his probation was revoked and he was sentenced to two and one-half years imprisonment.

**TREVOR AND LORIANNE BLACK**, Walker River Indian Reservation, were indicted by the Federal Grand Jury on September 24, 2008, on one count of Burglary. On August 27, 2009, Trevor Black entered a plea of guilty to the charge of Burglary. On December 8, 2009, Trevor Black was ordered to pay \$5,100.00 jointly and severally, in restitution, and was ordered to serve a term of 28 months in prison with a 3 year term of supervised release to follow. On September 29, 2009, Lorianne Black entered a plea of guilty to the charge of Larceny. On January 5, 2009, Lorianne Black was sentenced to three years probation and to pay restitution in the amount of \$5,100.00 jointly and severally with the co-defendant.

**JUSTIN ALEXANDER CALVIN**, Pyramid Indian Reservation, while drinking and driving on or about June 5, 2004, ran off the road and lost control of the vehicle. One of the passengers in his vehicle was killed. On April 7, 2005, Calvin was sentenced to 20 months imprisonment to be followed with 3 years of supervised release. He was also ordered to pay \$2,600 in restitution. On or about December 18, 2008, Calvin admitted to violation conditions of his supervised release. The Court ordered the final probation revocation hearing to be continued until April 14, 2009. The Court reinstated Calvin's supervised release once again. Calvin violated the conditions of his release a second time. As a result of his most current violations, on November 3, 2009, the Court sentenced him to serve an additional nine months in custody.

**MARCUS ALLEN MARTINEZ**, South Fork Indian Reservation, was indicted by the Federal Grand Jury on October 29, 2008, on one count of Sexual Abuse of a Minor. On April 14, 2009, Martinez entered a plea of guilty to the one count Indictment. On August 31, 2009, Martinez was sentenced to two years imprisonment and three years of supervised release.



**TERRY DALE JONES, JR.**, Elko Indian Colony, entered a plea of guilty to Misprison of a Felony on September 3, 2009. He was sentenced the same day to eight months in prison and one year supervised release.

**HAROLD ERIC BENCOMA**, Walker River Indian Reservation, was indicted by the Federal Grand Jury on February 4, 2009, for one count of Possession of a Firearm by a Prohibited Person, one count of Possession of Ammunition by a Prohibited Person and a Forfeiture count. On May 14, 2009, Bencoma entered a plea of guilty to all the charges contained in the Indictment. On September 15, 2009, Bencoma was sentenced to 27 months imprisonment and 3 years supervised release.

**RALPH JAMES WALKING BULL, JR.**, Reno/Sparks Indian Colony, Hungry Valley Community, was indicted by the Federal Grand Jury on March 18, 2009, on one count of Aggravated Sexual Abuse and one count of Production of Child Pornography. On May 18, 2009, Walking Bull entered a plea of guilty to the two count Indictment. On August 31, 2009, Walking Bull was sentenced to 30 years imprisonment with lifetime supervised release to follow. Furthermore, upon release from prison, Walking Bull will have to register as a sex offender.

**VINCENT PRIOR**, Duck Valley Indian Reservation, was indicted by the Federal Grand Jury on October 9, 2008, on one count of Destruction of Property. On February 19, 2009, Prior entered a plea of guilty to a Superseding Information, charging him with Destruction of Government Property. On May 21, 2009, he was sentenced to a term of one year probation and to pay restitution in the amount of \$1,000.00.

**CASEY LEE FRANCO**, Wells Indian Reservation, was indicted by the Federal Grand Jury on October 9, 2008, on one count of Possession of a Firearm by a Prohibited Person. On June 18, 2009, Franco entered a plea of guilty to the Indictment. On September 28, 2009, Franco was sentenced to one year in prison with three years supervised release to follow.

**LARRY TOM**, McDermitt Indian Reservation, was indicted by the Federal Grand Jury on June 24, 2009, on one Count of Sexual Abuse and one count of Sexual Abuse of a Minor. On August 25, 2009, Tom entered a plea of Guilty to one count of Sexual Abuse of a Minor. On November 24, 2009, Tom was sentenced to 18 months imprisonment with a lifetime of supervised release. Once Tom is released from prison, he will have to register as a sex offender.



# NATIVE AMERICAN NETWORK

**KEVIN ALVIN NORTON**, Fallon Indian Reservation, was indicted by the Federal Grand Jury for Possession of a Stolen Vehicle. On October 16, 2007, he entered a plea of guilty to that charge. On January 18, 2008, Norton was sentenced to time served, a three year term of probation and a \$100.00 fine. Norton violated the conditions of his probation, therefore his probation was violated on September 18, 2009, and he was sentenced to an additional term of 24 months imprisonment.

**VENNISA LYNETTE CRUTCHER**, Pyramid Lake Indian Reservation, was indicted by the Grand Jury on one count of Embezzlement From a Tribal Organization. On August 28, 2009, Crutcher entered a plea of guilty to the one count indictment. On January 7, 2010, Crutcher was sentenced to a five year term of probation to include 100 hours of community service and restitution in the amount of \$13,027.28.

**JAMES MARSH**, Duck Valley Indian Reservation, was indicted by the Federal Grand Jury on June 24, 2009, on one count of Assaulting a Federal Officer. On August 21, 2009, Marsh entered a plea of guilty to one count of Assaulting a Federal Officer. On November 20, 2009, Marsh was sentenced to serve a six month term of imprisonment.

**TROY DALE ARTHUR**, Sparks Indian Colony, is a two time convicted sex offender. He was released from his prison term on February 5, 2007. In June 2008, he violated the conditions of release by failing to register. On July 6, 2008, Arthur's supervised release was revoked and he was sentenced to an additional term of four months imprisonment. Arthur violated his conditions of release again and on November 5, 2009, he admitted to his violation. On January 4, 2010, his term of supervised release was reinstated.

**VERA JOHNNY**, Te-Moak Indian Tribe, was indicted by the Federal Grand Jury on May 2, 2007, on one count of Embezzlement From a Tribal Organization. On November 6, 2007, she entered a plea of guilty to the one count indictment. On February 4, 2008, Johnny was sentenced to a five year term of probation. She was also ordered to pay restitution in the amount of \$95,840.03 and a \$100.00 fine. Thereafter, Johnny violated a condition of her probation. On October 29, 2009, Johnny was reinstated on probation and ordered to make regular monthly payments in the amount of \$200.00 per month and to surrender any money received from the Te-Moak Tribe of Western Shoshone to the United States Clerk's Office as restitution within 72 hour of receipt of payment.

**KASSANDRA ROBLES**, Battle Mountain Band, was indicted by the Federal Grand Jury on September 16, 2009, on one count of Embezzlement from a Tribal Organization. On January 7, 2010, she entered a plea of guilty to the one count indictment. Her sentencing in Federal Court is set for April 5, 2010.

**NICHOLE TANYA MARTINEZ**, Battle Mountain Band, was indicted by the Federal Grand Jury on October 7, 2009, on one count of Embezzlement from a Tribal Organization. Her trial in Federal Court has been set for March 25, 2010.

**MIGUEL CHAVIRA, JR.**, Carson Indian Colony, was indicted by the Federal Grand Jury on September 16, 2009. He is charged in the four count indictment with Interstate communication of a Threat. His trial in Federal Court has been set for April 2010.

**NELSON McKEE**, McDermmitt Indian Reservation, was indicted by the Federal Grand Jury on May 27, 2009, on one count of Sexual Abuse. His trial in Federal Court has been set for April 13, 2010.

**LAVERN CHARLES FAST-HORSE**, Fallon Reservation, was indicted by the Federal Grand Jury on December 22, 2004, in a one count indictment charging him with Larceny. On January 3, 2006, Fast-Horse entered a plea of guilty to Larceny. On April 10, 2006, he was sentenced to ten months in prison and to pay restitution in the amount of \$2375.00, jointly and severally with the co-defendant. On December 17, 2009, his supervised release was revoked because Fast-Horse violated conditions of his supervision. Fast-Horse was sentenced to serve an additional term of ten months imprisonment.

**ALJAY ERSAL CRUTCHER**, Owyhee Indian Reservation, was indicted by a Federal Grand Jury on December 16, 2009, in a one count indictment charging him with Assault on a Federal Officer. His trial in Federal Court has been set for March 16, 2010.

**KENTSLER LEE JONES**, Duck Valley Indian Reservation was indicted by the Federal Grand Jury on January 6, 2010, on one count of Assaulting a Federal Officer and one count of Assault with a Dangerous Weapon. His Trial in Federal Court has been set for March 9, 2010.

**TERRY DALE JONES, JR.**, Elko Indian Reservation, was indicted by the Federal Grand Jury on January 6, 2010, on one count of Assault with a Dangerous Weapon. His trial in Federal Court has been set for March 9, 2010.

**HAROLD RIDLEY**, Reno/Sparks Indian Colony, was indicted by a Federal Grand Jury on October 20, 2004, with one count of Assault with a Dangerous Weapon and one count of Assault Resulting in Serious Bodily Injury. On December 8, 2004, Ridley entered a plea of guilty to Assault with a Deadly Weapon. On April 7, 2005, he was sentenced to 46 months imprisonment, \$100.00 fine and 3 years supervised release. He commenced his supervised release on February 12, 2008. Thereafter, Ridley, violated conditions of supervised release. On January 12, 2009, his supervised release was revoked and he was sentenced to an additional 11 months imprisonment with an additional 25 months of supervised release.



**Published by:**  
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**Las Vegas, NV 89101**  
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**Sue Fahami, Chief, Reno Division and Tribal Liaison**  
**Debbie Waite, Victim Witness Coordinator**

**NATIVE AMERICAN NETWORK**  
**District of Nevada**

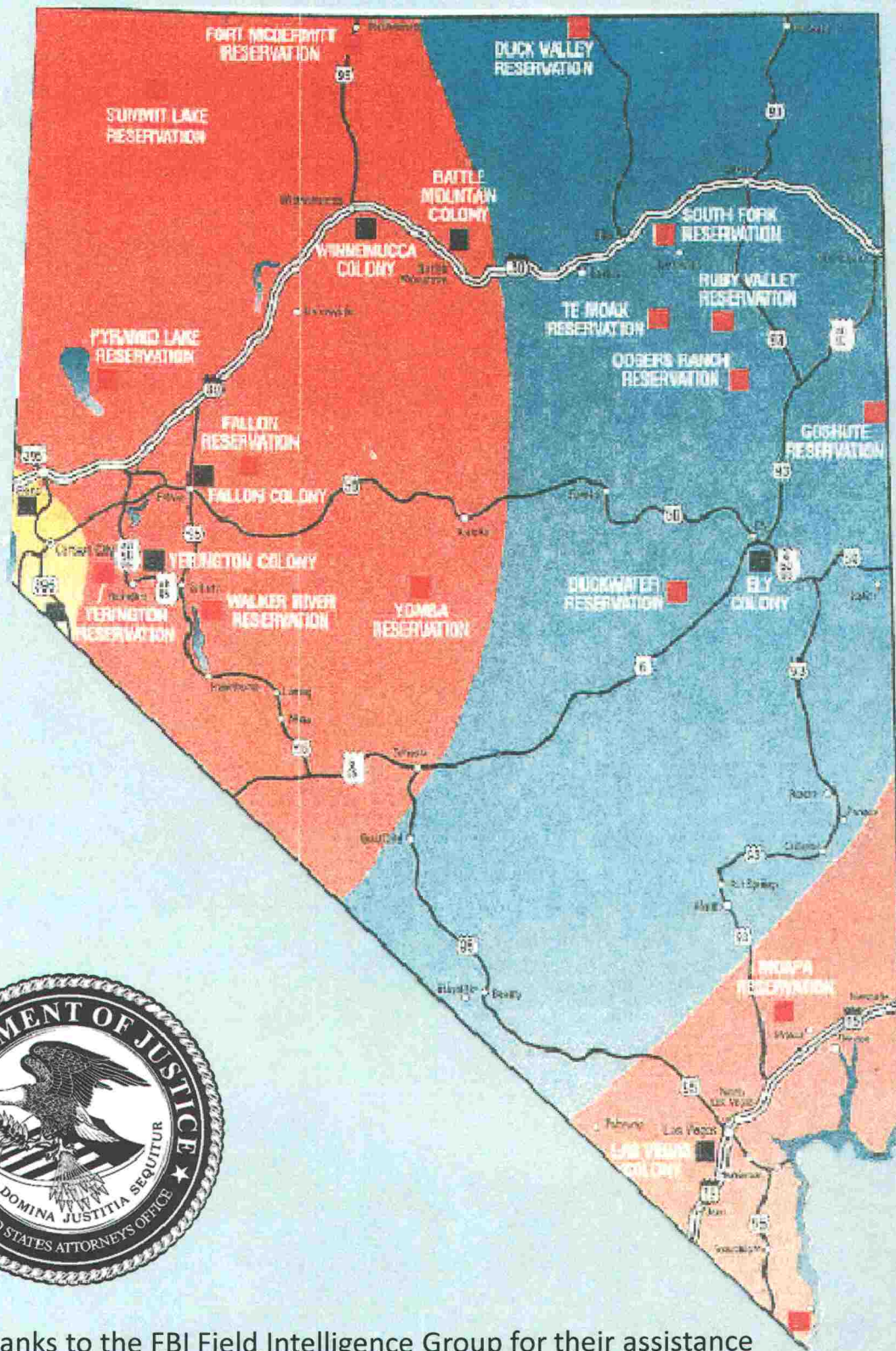
UNITED STATES ATTORNEY'S OFFICE  
District of Nevada  
333 Las Vegas Blvd., South #5000  
Las Vegas, NV 89101

ADDRESS CORRECTION REQUESTED

# TRIBAL PROFILES



# NEVADA TRIBAL PROFILES



Special thanks to the FBI Field Intelligence Group for their assistance in preparing this document

**Battle Mountain Band Council**  
**An entity of the Te-Moak Tribe of Western Shoshone**

Michael Price, Chairman  
37 Mountain View Drive, #C, Battle Mountain, NV 89820  
Phone: 775-635-2004, Fax: 775-635-8016  
Email: bmband@the-onramp.net

**Location:** Located off Interstate 80, in Battle Mountain, Lander County, Nevada

**Tribal Members:** 516

**Resident Population:** 165

**Governing Body:** Band Council  
Terms of office are 3 years  
7 member Band Council  
Michael Price, Lorrie Carpenter, Delbert Holley, Florine Maine, Mike Young,  
Gregory Holley, Stanford Knight  
Meetings held last Thursday of each month

**Established:** Established June 17, 1917, by Executive Order to set aside 677.05 acres and on August 21, 1967, by the 90<sup>th</sup> Congress under PL 90-72 (81 Stat. 173) to add 6.25 acres.

**Land Base:** 683.3 acres of land

**Government:** The Band Council was organized under the Constitution and By-Laws of the Te-Moak Tribe of Western Shoshone Indians approved on August 24, 1938, which was organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Amended May 12, 1873, approximately 2 million acres by Executive Order.

**Band Council Programs:**

Band Council	Social Services/ICWA
Administration	Taxation Department
Alcohol & Drug Program	Environment Protection/GAP
Education	Child Care Development Block Grant
Health Clinic	Tribal Court

**Tribal Business/Enterprises:** Convenience Store, Smoke Shop, Gas Station

**Serviced By:** BIA – Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** Washoe Shoshone Department of Public Safety Board,  
Joe Gardener, Chief; 2 police officers, 775-738-2650

## **Carson Colony Community Council**

### **An entity of the Washoe Tribe of Nevada and California**

Chad Malone, Chairman  
2900 South Curry Street, Carson City, NV 89703  
Phone: 775-883-6459, Fax: 775-883-6467

**Location:** Located ½ mile west of U.S. Highway 395, one mile south of Carson City, Nevada

**Tribal Members:** 500

**Resident Population:** 90 homes, unsure of exact number

**Governing Body:** Community Council  
Terms of office are 4 years  
5 member Community Council  
Chad Malone, Chairman; Ellen Fillmore, Vice-Chairperson; Gary Nevers,  
Darryl Bender, Jeannie Lopez  
Meetings held 2<sup>nd</sup> Wednesday of each month  
Elections held every 4 years

#### **Established:**

- March 26, 1917 - by authority of the Act of May 18, 1916 (39 Stat. 123-143), purchase of 119.02 acres
- March 26, 1917 - 37.13 acres
- August 12, 1969 - 3.85 acres

**Land Base:** 160 acres of tribal land

**Government:** The Community Council is organized under Articles of Association established pursuant to the Constitution and By-Laws of the Washoe Tribe of Nevada and California approved June 16, 1967.

#### **Community Council Programs:**

Recreational Programs  
Programs designated by the Washoe Tribe of Nevada and California  
Tribal Court

**Tribal Business/Enterprises:** Businesses through the Washoe Tribe of Nevada and California

**Serviced By:** BIA - Western Nevada Agency, Carson City, Nevada, through the Washoe Tribe of Nevada and California

**Law Enforcement Agency:** Washoe Tribe Police Department, Captain Richard Varneer, 3 Police Officers, 775-885-8227

**Dresslerville Community Council**  
**An entity of the Washoe Tribe of Nevada and California**

L. Mark Kizer, Chairman  
919 U.S. Highway 395 South, Gardnerville, NV 89140  
Phone: 775-265-4191, Fax: 775-265-6240

**Location:** Located ½ mile west of U.S. Highway 395, south of Gardnerville, Nevada

**Tribal Members:** unknown

**Resident Population:**

**Governing Body:** Community Council (from 2002 profile)  
Terms of office are 4 years  
5 member Community Council  
Meetings held 1<sup>st</sup> Wednesday of each month

**Established:** May 16, 1917, by Authority of the Act of May 8, 1916 (39 Stat. 123-145), purchase of 39.80 acres

**Land Base:** 39.80 acres of tribal land

**Government:** The Community Council is organized under Articles of Association established pursuant to the Constitution and By-Laws of the Washoe Tribe of Nevada and California approved November 14, 1969.

**Community Council Programs:** (from 2002 profile)

Community Council	Headstart
Education	Recreation Program

**Tribal Business/Enterprises:** None (from 2002 profile)

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada, through the Washoe Tribe of Nevada and California

**Law Enforcement Agency:** Washoe Tribe Police Department, Captain Richard Varneer, 3 Police Officers, 775-885-8227



## **Duck Valley Shoshone-Paiute Tribes**

Robert Bear, Chairman  
P.O. Box 219, Owyhee, NV 89832  
Phone: 208-759-3100, Fax: 208-759-3103  
Website : [www.shopaitribes.org](http://www.shopaitribes.org)

**Location:** The reservation strides the Nevada-Idaho border, located approximately 100 miles south of Mountain Home, Idaho, on Highway 51 and is approximately 100 miles north of Elko, Nevada, on Highway 225.

**Tribal Members:** 2,019

**Resident Population:** 856

**Governing Body:** Tribal Business Council  
Terms of office are 3 years  
7 member Council  
James Blossom, Cristi Walker, Terry Gibson, Robert Bear, Dennis Smith Sr.,  
Lynneil Brady, Sandra Jones  
Meetings held 2<sup>nd</sup> Tuesday of each quarter

**Established:**

- April 16, 1877 - by Executive Order
- May 4, 1886 - by Executive Order adding acreage
- July 1, 1910 - acreage added

**Land Base:** 289,819.3 acres of tribal land (144,274.3 acres in Elko County, Nevada, and 145,545 acres in Owyhee County, Idaho); 3,981.68 acres of federally-owned land at the Wildhorse Reservoir

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Duck Valley Shoshone-Paiute Tribes approved April 20, 1936.

**Tribal Programs:**

Wildlife and Parks Program	Economic Development	TERO
Tribal Administration	Health Clinic and Hospital	Recreation Program
Natural Resource Protection	Agriculture/Irrigation Program	Housing Authority
Fire Management	Housing Improvement	Land Office
Food Distribution	Judicial Program/Tribal Court	Water and Sanitation
Behavioral Health	Senior Citizen Program/Center	Tribal Council
Cultural Preservation	Social Services/ICWA	Enrollment
Environment Protection/GAP	Stop Violence Against Women	CHR Program

**Tribal Business/Enterprises:** Duck Valley Gas-N-Go, Gah Nee Enterprises

**Serviced By:** BIA - Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** BIA Law Enforcement, 775-757-3614

## **Duckwater Shoshone Tribe**

Virginia Sanchez, Chairman  
P.O. Box 140068, Duckwater, NV 89314  
Phone: 775-863-0227, Fax: 775-863-0301

**Location:** Located 19 miles northwest of State Route 379 of Current, Nye County, Nevada

**Tribal Members:** 371

**Resident Population:** 149

**Governing Body:** Tribal Council  
Terms of office are staggered  
5 member Tribal Council  
Virginia Sanchez, Chairperson; Alissa Thompson, Vice-Chairperson;  
Ruby Sam, Secretary; Wanda Thompson, Member; Joseph Mike, Member  
Meetings held the last Monday of each month

**Established:**

- November 13, 1940 - by authority of Section 5, Indian Reorganization Act, 3,273.26 acres
- December 22, 1943 - by the Act of June 28, 1941 (55 Stat. 303), 398.76 acres
- January 27, 1955 - by authority of the Indian Reorganization Act purchase of Nye County tax deed land 142.5 acres

**Land Base:** 3,814.52 acres of tribal land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Duckwater Shoshone Tribe approved November 28, 1940.

**Tribal Programs:**

Tribal Council	Education	Transportation
Tribal Administration	Health Clinic	Judicial Program/Tribal Court
Enrollment	Housing Authority	Law Enforcement/Tribal Police
Facilities O & M	Social Services/ICWA	Agriculture/Irrigation Program
Utility Service	Recreation Program	Environment Protection/GAP

**Tribal Business/Enterprises:** Economic Development Corporation

**Serviced By:** BIA – Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** Duckwater Tribal Police Department, Janey Bryan, Chief; 2 police officers, 775-863-0178

## **Elko Band Council**

### **An entity of the Te-Moak Tribe of Western Shoshone**

Gerald Temoke, Chairman  
511 Sunset Street, Elko, NV 89803  
Phone: 775-738-8889, Fax: 775-753-5439

**Location:** Located in Elko, Elko County, Nevada

**Tribal Members:** 1,380

**Resident Population:** 765

**Governing Body:** Elko Community Council  
Terms of office are 3 years  
7 member Community Council  
Gerald Temoke, Chairman; Evelyn Temoke-Roche, Vice-Chairperson;  
Davis Gonzales, Member; Doyle Tybo, Member; Paula Brady, Member;  
Lindsay Oppenheim, Member; Bryan Cassadore, Member  
Meetings held 3<sup>rd</sup> Wednesday of each month

**Established:**

- March 23, 1918 - by Executive Order, 160 acres
- July 10, 1931 - by the Act of January 31, 1931 (46 Stat. 1,046), PL 71-581, 32.80 acres

**Land Base:** 192.80 acres

**Government:** Organized under the Constitution and By-Laws of the Te-Moak Tribe of Western Shoshone Indians approved on August 24, 1938, which was organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Amended August 1982.

**Tribal Programs:**

Alcohol and Drug	Domestic Violence
Tutor Program	CHR and In Home Health Aide
ICWA and Social Services	Elders Program
Tribal Court	

**Tribal Business/Enterprises:** Elko Smoke, Eyewear Program, Gymnasium

**Serviced By:** BIA - Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** Elko Band Tribal Police Department, Ed Able, Chief; 775-738-2650, and Western Shoshone Department of Public Safety, Joe Gardner, Acting Chief; 3 officers on Elko reservation, 8 overall, 775-885-8227

## **Ely Shoshone Tribe**

Alvin S. Marques, Chairman  
16 Shoshone Circle, Ely, NV 89301  
Phone: 775-289-3013, Fax: 775-289-3156

**Location:** Located on the southwest sides of the City of Ely, Nevada, in three separate locations and in White Pine County

**Tribal Members:** 562

**Resident Population:** 150

**Governing Body:** Tribal Council  
Terms of office are 3 years staggered  
5 member Tribal Council  
Alvin S. Marques, Chairman; Victor McQueen, Jr., Vice-Chairman;  
Lewayne McQueen, Sr., Secretary/Treasurer; Jherildine Rice, Member;  
Christine Stones, Member  
Meetings held 4<sup>th</sup> Saturday of each month

**Established:** The Reservation was established September 28, 1930, by the authority of the Act of June 27, 1930 (46 Stat. 820), for the purchase of 8.945 acres (0.37 federally owned) and in 1977, by legislation for 90 acres.

### **Land Base:**

- 99.95 acres of tribal land
- 0.37 acres of federal land
- 11 acres of trust lease land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Ely Shoshone Tribe approved April 8, 1966.

### **Tribal Programs:**

Tribal Council	Health Clinic	Education
Tribal Administration	Housing Authority	Planning Department
Alcohol & Drug Prevention	Language Program	Social Services/ICWA
Health Department	Law Enforcement /Tribal Police	Enrollment
Maintenance Department	Judicial Program/Tribal Court	Elder Center
Environment Protection/GAP		

**Tribal Business/Enterprises:** Silver Sage Travel Center

**Serviced By:** BIA - Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** Ely Shoshone Tribal Police Department, Roger Miller, Chief; 2 full-time police officers, one part-time police officer, 775-289-4888

## **Fallon Paiute Shoshone Tribe**

Alvin Moyle, Chairman  
565 Rio Vista Drive, Fallon, NV 89406  
Phone: 775-423-6075, Fax: 775-423-5202  
Website: [www.fpst.org](http://www.fpst.org)

**Location:** Located 2 miles northeast of Fallon, Nevada, the Reservation is 12 miles east by State Route 116 of Fallon, Churchill County, Nevada

**Tribal Members:** 1,310

**Resident Population:** 765

**Governing Body:** Tribal Council  
Terms of office are 3 years  
7 member Tribal Council  
Alvin Moyle, Chairman; Rochanne Down, Vice-Chairperson;  
Laura Nihoa, Secretary; Rulan Stands, Treasurer; Herman Dickson, Member;  
Jackie Conway, Member; Thomas Burton, Member  
Elections held every 2 years  
Meetings held 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month

**Established:**

- April 20, 1907 - 4,680 acres allotted by authority of the Act of April 30, 1908 (35 Stat. 85)
- November 2, 1917 - 840 acres
- April 8, 1978 - PL 95-337 (92 Stat. 455) 2,460 acres

**Land Base:** Colony – 69 acres of tribal land; Reservation – 3,480 acres of tribal land; 4,640 acres of allotted land

**Government:** Organized under Constitution and By-Laws of the Paiute-Shoshone Tribe approved June 12, 1964, amended August 13, 1971 (Non-IRA)

**Tribal Programs:**

Education	Economic Development	Housing Department
Automotive	Enrollment	Law Enforcement
Health Clinic	Environmental Program	Public Works
Domestic Violence	Finance	Senior Center
Stepping Stones	Transportation	Program Development
Social Services	Tribal Court	

**Tribal Business/Enterprises:** Fox Peak I & II Smoke Shops, Quiznos

**Serviced By:** BIA - Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Fallon Tribal Police, Gary Hall, Chief; 775-423-8848

## **Fort McDermitt Paiute-Shoshone Tribe**

Billy Bell, Chairman  
P.O. Box 457, McDermitt, NV 89421  
Phone: 775-532-8259, Fax: 775-532-8487

**Location:** Located 4 miles southeast of McDermitt, Humboldt County, Nevada. A major part of the reservation is located in Malheur County, Oregon.

**Tribal Members:** 945

**Resident Population:** 365

**Governing Body:** Tribal Council  
Terms of office are 2 years, the chairman has a 4-year term  
9 member Tribal Council  
Billy Bell, Chairman; Karen Krutcher, Vice-Chairperson; Peggy Garfield, Treasurer;  
Rose Curtis, Secretary; Dale Barr, Member; Arlo Krutcher, Member;  
Dwayne Masters, Sr., Member; David Hinkey, Member; Ernestine Coble, Member  
Meetings held 2<sup>nd</sup> Tuesday of each month

### **Established:**

- January 17, 1936 - by act of Congress (49 Stat. 1094) 20,414.14 acres set aside by authority of the Indian Reorganization Act (48 Stat. 984)
- November 16, 1936 - 554.35 acres
- November 9, 1940 - 3,5420.40 acres
- July 18, 1941 - 1,240 acres
- February 24, 1943 - 3,919.37 acres
- June 16, 1944 - 449.92 acres
- February 3, 1956 - 160 acres tribal fee purchase
- April 20, 1949 - relinquished allotments approved
- May 9, 1957 - relinquished allotments approved
- May 16, 1957 - 3,900.10 acres of relinquished allotments added to tribal land
- April 4, 1960 - 160 acres added
- November 16, 1973 - 2.63 acres added

### **Land Base:**

- 16,354.52 acres of tribal land - Nevada
- 145 acres of allotted land - Nevada
- 160 acres of tribal fee land - Nevada
- 18,828.79 acres of tribal land - Oregon

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Fort McDermitt Paiute and Shoshone Tribe approved July 2, 1936. May 12, 1873, approximately 2 million acres by Executive Order.

### **Tribal Programs:**

Human Services  
Eligibility  
Social Services

Tribal Court  
Environmental Protection Agency

Tribal Enrollment  
Finance

**Tribal Business/Enterprises:** None

**Serviced By:** BIA - Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** BIA in Carson City, Nevada

## **Fort Mojave Indian Tribe**

Timothy Williams, Chairman  
500 Merriman Street, Needles, CA 92363  
Phone: 760-629-4591, Fax: 760-629-5767

**Location:** Located in the Mojave Valley south of Laughlin, Nevada, at the southern part of the state. Tribal lands are located in California, Nevada, and Arizona.

**Tribal Members:** 1,300

**Resident Population:** 700-800

**Governing Body:** Tribal Council  
Terms of office are 2 to 4 years  
6 member Tribal Council  
Meetings held 2<sup>nd</sup> Saturday and 4<sup>th</sup> Tuesday of each month

**Established:**

- August 4, 1870 - by authority of General Order #19; 5,582 acres by the Military Reserve, and 9,114 acres by the Hay and Wood Reserve
- March 18, 1903 - 7,000 acres by Executive Order
- February 2, 1911 - 17,315 acres by Executive Order

**Land Base:** 3,862 acres of tribal land in Nevada  
6,297 acres of tribal land in California  
22,845 acres of tribal land in Arizona

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Fort Mojave Indian Tribe approved by the tribe on November 13, 1976, and approved by BIA on June 7, 1977.

**Tribal Programs:**

Tribal Council	Employment JTPA/WIA	Telecommunications
Tribal Administration	AHA MACAV Housing Entity	Water Department
Building Department	Tribal Police	Enrollment
Ranger Department	Education	Real Estate Services

**Tribal Business/Enterprises:** Avi Resort and Casino, AHA MACAV Power Service Company

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Fort Mojave Tribal Police, Ray Limon, Chief; 21 officers, 928-346-1521

## Goshute Reservation

Rupert Steele, Chairman  
P.O. Box 6104, Ibapah, UT 84034  
Phone: 435-234-1138, Fax: 435-234-1162  
Website: www.goshutetribe.com

**Location:** Astride the Nevada-Utah border in White Pine County, Nevada, and Tooele and Juab Counties in Utah. The Reservation is located 75 miles south, by unimproved road of Wendover, Utah, or 50 miles east by unimproved road of Schellbourn Station, U.S. Alternate 93.

**Tribal Members:** 536

**Resident Population:** 11 (Nevada side only)

**Governing Body:** Tribal Council  
Terms of office are 3 years staggered  
5 member Tribal Council  
Rupert Steele, Chairman; Amos Murphy, Vice-Chairman; Melissa Oppenheim,  
Madeline Greymountain, Christine Steele  
Meetings held 1<sup>st</sup> Friday of each month  
Elections are held every year

### Established:

- May 20, 1912 - 160 acres by Executive Order #1539
- March 24, 1914 - 33,688.01 acres by Executive Order #1903 by the authority of the Indian Reorganization Act (48 Stat. 984)
- June 15, 1937 - 319.55 acres
- August 19, 1937 - 160 acres
- February 11, 1938 - 439.24 acres
- April 7, 1938 - 439.24 acres
- April 13, 1938 - 66,166.43 by the authority of the Act of June 30, 1934, as follows:
- August 15, 1938 - 3,493.57 acres
- June 21, 1939 - 60 acres
- January 19, 1940 - 320,240 and 80 acres
- February 9, 1940 - 2,240.99 acres
- November 24, 1941 - 240 acres
- January 9, 1943 - 635.91 acres by Exchange Deed

**Land Base:** 71,954.19 acres of tribal land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Confederated Tribes approved November 24, 1940.

### Tribal Programs:

Roads Program	Finance	Tribal Council	Law Enforcement/Tribal Police
Diabetes Program	Medical Records	Tribal Administration	Senior Citizen Program/Center
Day Care	Domestic Violence	Alcohol & Drug Program	Community Health Program
Health Clinic	Housing Authority	Social Services/ICWA	Judicial Program/Tribal Court
Enrollment	Education	Environment Protection/GAP	

**Tribal Business/Enterprises:** Land Lease Program

**Serviced By:** BIA – Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** Goshute Tribal Police Department, Naranjo, Acting Chief; 2 police officers, 435-234-1139



## **Las Vegas Paiute Tribe**

Benny Tso, Chairman  
1 Paiute Drive, Las Vegas, NV 89030  
Phone: 702-386-3926, Fax: 702-383-4019  
Website: [www.lvpaiutetribe.com](http://www.lvpaiutetribe.com)

**Location:** Located within the city limits on the west side of Main Street, one mile north of downtown Las Vegas, Clark County, Nevada. Also north of Las Vegas along the Reno-Tonopah Highway near Mt. Charleston.

**Tribal Members:** 64

**Resident Population:** 108

**Governing Body:** Tribal Council  
Terms of office are 2 years  
7 member Tribal Council  
Benny Tso, Chairman; Marcia Mahone, Vice-Chairperson;  
Kenny Anderson, Member; Lucille Campa, Member; Robert Segmiller, Member;  
Theodore Tso, Member; Adrienne Norte, Member  
Meetings held 2<sup>nd</sup> Tuesday of each month  
Elections are held every even year

**Established:**

- April 17, 1912 - purchase of 10 acres
- December 2, 1983 - PL 98-203 adding 3,884.51 acres north of Las Vegas

**Land Base:** 3,850.15 acres of tribal land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Las Vegas Paiute Tribe approved July 30, 1970.

**Tribal Programs:**

Tribal Council	Education	Mental Health Program
Tribal Administration	Health Clinic	Judicial Program/Tribal Court
Enrollment	Housing Committee	Law Enforcement/Tribal Police
Alcohol and Drug Program	Social Services/ICWA	Water Rights
CHR or In-Home Health Aid	Substance Abuse Prevention	

**Tribal Business/Enterprises:** Las Vegas Colony Smoke Shop, Child Development Center, Las Vegas Paiute Tribe Golf Course and Resort, Las Vegas Paiute Snow Mountain Smoke Shop and Gas Station

**Serviced By:** BIA – Southern Nevada Field Station, St. George, Utah

**Law Enforcement Agency:** Las Vegas Paiute Police Department, Don Belcher, Chief; 10 police officers, 702-471-1175

## **Lovelock Paiute Tribe**

Victor Mann, Chairman  
P.O. Box 878, Lovelock, NV 89419  
Phone: 775-273-7861, Fax: 775-273-5151

**Location:** Located 1 block west of Cornell Avenue in southwest Lovelock, Pershing County, Nevada

**Tribal Members:** 424

**Resident Population:** 123

**Governing Body:** Tribal Council  
Terms of office are 2 and 3 years staggered  
5 member Tribal Council  
Victor Mann, Chairman; Debbie George, Vice-Chairperson;  
Stephanie Rhodes, Secretary/Treasurer; Doug Osborne, Member;  
Richard Happy, Member  
Meetings held once a month  
Elections held every 3 then 2 years

**Established:**

- September 4, 1907 - purchase of 2 acres for school site
- November 17, 1910 - by authority of the Act of April 4, 1910 (36 Stat, 984), as amended

**Land Base:** 20 acres of tribal land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Lovelock Paiute Tribe approved March 14, 1968.

**Tribal Programs:** Law Enforcement, Tribal Court, Enrollment, Social Services

**Tribal Business/Enterprises:** None

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Lovelock Tribal Colony Police, Karl Fredericks, Chief; 775-422-5897

## **Moapa Band of Paiutes**

Darren Daboda, Chairman  
P.O. Box 340, Moapa, NV 89025  
Phone: 702-865-2787, Fax: 702-865-2875  
Website: [www.moapapaiutes.com](http://www.moapapaiutes.com)

**Location:** Located approximately 8 miles west of Glendale, Nevada, junction of State Route 168 and Interstate 15 approximately 55 miles northeast of Las Vegas, Clark County, Nevada

**Tribal Members:** 330

**Resident Population:** 206

**Governing Body:** Tribal Council  
Terms of office are 3 years  
6 member Tribal Council  
Darren Daboda, Chairman; Anthony Frank, Vice-Chairman;  
Aletha Tom, Secretary; Eric Lee, Dalton Tom, Philbert Swain  
Meetings held 2<sup>nd</sup> Tuesday of each month  
Two council members are elected every year

**Established:**

- May 12, 1873 - approximately 2 million acres by Executive Order
- February 12, 1874 - 1,000 acres added by Executive Order
- March 3, 1875 - acreage reduced to 1,000 acres by the authority of the Act of March 3, 1975 (18 Stat. 445)
- December 2, 1980 - 70,565.46 acres added by PL 96-491 legislation

**Land Base:** 71,954.19 acres of tribal land (revised acreage courtesy of BIA)

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Moapa Band of Paiute Indians approved April 17, 1942.

**Tribal Programs:**

Tribal Council	Health Clinic	Judicial Program/Tribal Court
Tribal Administration	Housing Authority	Law Enforcement/Tribal Police
Enrollment	Social Services/ICWA	Agriculture/Irrigation Program
Headstart and Day Care	Senior Citizen Program/Center	

**Tribal Business/Enterprises:** Tribal Store and Casino, Convenience Store

**Serviced By:** BIA – Southern Nevada Field Station, St. George, Utah

**Law Enforcement Agency:** Moapa Tribal Police Department and Moapa Law Enforcement Tribal Court, Eric Seitz, Chief; 4 police officers, 702-865-2828

## Pyramid Lake Paiute Tribe

Mervin Wright, Jr., Chairman  
P.O. Box 256, Nixon, NV 89424  
Phone: 775-574-1000, Fax: 775-574-1008  
Website: [www.plpt.nsn.us](http://www.plpt.nsn.us)

**Location:** Located 35 miles northeast of Reno, Washoe County, Nevada

**Tribal Members:** 2,253

**Resident Population:** 1,603

**Governing Body:** Tribal Council  
Terms of office are 2 years staggered  
12 member Tribal Council  
Mervin Wright, Jr., Chairman; Clayton Servilican, Vice-Chairman;  
Gina Wadsworth, Secretary; Lela Christensen, Member;  
Sherry Ely Mendes, Member; Johnnie Garcia, Member; Irwin Mix, Member;  
Gordon Frazier, Member; Genevieve John, Member; Judith Davis, Member;  
Elwood Lowery, Member  
Treasurer position open  
Meetings held 1<sup>st</sup> and 3<sup>rd</sup> Fridays of each month

**Established:** March 23, 1859 - 475,085.55 acres by Executive Order (includes 112,000 acres of lake surface)

**Land Base:** 476,668.94 acres of tribal land (including 112,000 acres of lake surface)

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Pyramid Lake Paiute Tribe approved January 15, 1936.

### Tribal Programs:

Tribal Council	Health Services	Language/Cultural Program
Child Care	Higher Education	Law Enforcement
Enrollment Services	Human Resources	Library
Environmental Department	Johnson O'Malley Program	Maintenance
Finance Department	Judicial Services	Museum
PLPT Newspaper	Numaga Senior Center	Parks & Recreation
Public Utilities	PL Rangers	Social Services
Tax Department	Technology Services	Water Resources Department
Victim Services		

**Tribal Business/Enterprises:** Nixon Store, I-80 Smoke Shop, Big Bend RV Park, I-80 RV & Campground, Lake Camping & Fishing

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Pyramid Lake Tribal Police, Mike Gagne, possible Chief; 775-574-1014

## **Reno-Sparks Indian Colony**

Arlan Melendez, Chairman  
98 Colony Road, Reno, NV 89502  
Phone: 775-329-2936, Fax: 775-329-8710  
Website: [www.rsic.org](http://www.rsic.org)

**Location:** Located at East Second Street adjacent to the city limits of Reno, Washoe County, Nevada, and 10 miles north of Sparks, Washoe County, Nevada, at Hungry Valley.

**Tribal Members:** 900

**Resident Population:** Unknown

**Governing Body:** Tribal Council  
Terms of office are 4 years  
8 member Tribal Council  
Arlan Melendez, Chairman; Doug Gardipe, Vice-Chairman;  
Amanda Hall, Member; Ruth Sampson, Member; Joe Rodriguez, Member;  
Nathaniel Hunkup, Member; Verna Nuno, Member; Jackie Quonerone, Member;  
Kevin Eben, Member  
Meetings held twice a month

### **Established:**

- April 13, 1917 - purchase of 20 acres by the authority of the Act of May 18, 1916 (39 Stat. 123-145)
- July 23, 1926 - purchase of 8.38 acres by the authority of the Act of May 10, 1926 (44 Stat. 496)
- August 23, 1986 - acquisition of 1,949.39 acres by authority of the Act of August 3, 1986 (100 Stat. 828)

**Land Base:** 1,978.26 acres of tribal land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Reno-Sparks Indian Colony approved January 15, 1936, amended January 8, 1971.

### **Tribal Programs:**

Health and Human Services	Planning	Human Resources
Community Services	Public Safety	Tribal Court
Public Works	Archives Department	

**Tribal Business/Enterprises:** Smoke Shop 1, Smoke Shop 2, Smoke Shop 3, Smoke Shop 4, Smoke Shop 5, lease to Taco Bell, lease to Reno Toyota-Mazda Used Car & Truck

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Reno-Sparks Indian Police Department, Larry Colley, Chief; 775-785-8776

**South Fork Band Council**  
**An entity of the Te-Moak Tribe of Western Shoshone**

Sim Malotte, Chairman  
HC 30 Box B-13, Spring Creek, NV 89815  
Phone: 775-744-4273, Fax: 775-744-4523

**Location:** Located in Lee, Elko County, Nevada

**Tribal Members:** 260

**Resident Population:** 75

**Governing Body:** Band Council  
Terms of office are 3 years  
7 member Band Council  
Sim Malotte, Chairman; Larson Bill, Vice-Chairman; Edna Tybo, Member;  
Vincent Garica, Member; Charles Malotte, Member; Gilbert Temoke, Member;  
Cheryl Mose-Temoke, Member; Casey Tom, Member

**Established:**

June 18, 1934 - by the Act of June 18, 1934 (48 Stat. 984), as amended with the following land purchases authorized accordingly:

- May 29, 1937 - 5,862.28 acres
- March 31, 1938 - 2,195.63 acres
- November 14, 1938 - 1,514.96 acres
- December 10, 1938 - 1,987.04 acres
- June 27, 1951 - 2,708.20 acres

**Land Base:** 15,680.38 acres

**Government:** Organized under the Constitution and By-Laws of the Te-Moak Tribe of Western Shoshone Indians approved on August 24, 1938, which was organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Amended August 1982.

**Tribal Programs:**

Te-Moak Housing Authority  
Special Diabetes Program

Enrollment  
Judicial Program

Health A & D  
Child Care Facility

**Tribal Business/Enterprises:** Smoke Shop, Commercial Hunting and Fishing Operations,  
Tribal Livestock Herd

**Serviced By:** BIA – Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** BIA Law Enforcement, 775-265-7540

## **Stewart Community Council**

### **An entity of the Washoe Tribe of Nevada and California**

Gerald Temoke, Chairman  
919 U.S. Highway 395 South, Gardnerville, NV 89410  
Phone: 775-265-8600, Fax: 775-883-5679

**Location:** Located 3 miles south of Carson City, Nevada

**Tribal Members:** 260

**Resident Population:** 75

**Governing Body:** Community Council  
Terms of office are 4 years  
5 member Community Council  
Meetings held 3<sup>rd</sup> Tuesday of each month

**Established:**

- July 20, 1990 - by the authority of the Secretary of the Interior, amendment to the Washoe Tribal Constitution to enfranchise the Stewart Community
- January 25, 1983 - PL 97-288, set aside 2,933.59 acres

**Land Base:** 2,933.59 acres of tribal land

**Government:** Organized under the Articles of Association, established pursuant to the Constitution and By-Laws of the Washoe Tribe of Nevada and California, approved September 5, 1990.

**Tribal Programs:**  
After School Latch Key Program  
Youth Council  
Tribal Court

**Tribal Business/Enterprises:** None

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada, through the Washoe Tribe of Nevada and California

**Law Enforcement Agency:** BIA Law Enforcement, 775-265-7540

## **Summit Lake Paiute Tribe**

Warner Barlese, Chairman  
1708 H Street, Sparks, NV 89431  
Phone: 775-827-9670, Fax: 775-827-9678  
Email: ron.johnny@summitlaketribe.org

**Location:** Located approximately 8 miles west of Denio, Humboldt County, Nevada. Access via State Route 140 and unimproved road 8A.

**Tribal Members:** 120

**Resident Population:** 12 (fluctuates based on the season)

**Governing Body:** Tribal Council  
Terms of office are 3 years  
5 member Tribal Council  
Warner Barlese, Chairman; Ernie Barlese, Vice-Chairman;  
Jerri Lynn Barlese, Secretary/Treasurer; Jerry L. Barr, Member  
Vacant Member Spot  
Meetings held 3<sup>rd</sup> Saturday of each month

### **Established:**

- January 14, 1913 - by authority of Executive Order #1681
- March 3, 1928 - PL 89 of the 70<sup>th</sup> Congress (45 Stat. 160)
- April 20, 1949 - deed approved
- January 4, 1950 - deed approved
- January 14, 1950 - transfer order of inherited interest
- June 10, 1959 - by authority of the 86<sup>th</sup> Congress 9,489.59 acres
- December 15, 1971 - PL 92-186 (85 Stat. 642-644) 608.38 acres

**Land Base:** 10,097.97 acres of tribal land (includes 50 acres of air surface), 764.94 allotted acres

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Summit Lake Paiute Tribe approved January 8, 1965.

### **Tribal Programs:**

Sex Offender Monitoring and Registering  
Tribal Court  
Finance  
Fence Improvements

Natural Resources  
Range Improvements  
Pollution Prevention  
Environmental Protection Department

**Tribal Business/Enterprises:** None

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** BIA Law Enforcement, 775-265-7540



## **Te-Moak Tribe of Western Shoshone**

Bryan Cassadore, Chairman  
525 Sunset Street, Elko, NV 89803  
Phone: 775-738-9251, Fax: 775-738-2345  
Website: www.temoaktribe.com

**Location:** Territory of the tribe is that land encompassing the Battle Mountain Colony, Elko Colony, South Fork Colony, and Wells Colony, all located in Elko County, Nevada. The Te-Moak Tribal Offices are located in Elko, Nevada, on the Elko Colony.

**Tribal Members:** 2,206

**Resident Population:** 684

**Governing Body:** Tribal Council  
Terms of office are 2½ years  
9 member Tribal Council  
Bryan Cassadore, Larson Bill, Lorrie Carpenter, Sim Malotte, Paula Salazar,  
Paula Brady, Doyle Tybo, Edith Tybo, Lindsey Oppenheim  
Meetings held 1<sup>st</sup> Wednesday of each month  
Elections held every 2½ years

**Established:** not on the original profile

**Land Base:** 16,363 acres on the following colonies

- Battle Mountain Band Colony - 683.3 acres
- Elko Band Colony - 192.80 acres
- South Fork Band Colony - 15,680.38 acres
- Wells Band Colony - 80 acres

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Te-Moak of Western Shoshone Indians approved on August 24, 1938.

**Tribal Programs:**

Te-Moak Housing Authority	Enrollment	Health A & D
Special Diabetes Program	Judicial Program	

**Tribal Business/Enterprises:** Smoke Shop

**Serviced By:** BIA – Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** Elko Band Tribal Police Department, Ed Able, Chief; 775-738-2650; Western Shoshone Department of Public Safety, Joe Gardner, Acting Chief; 3 officers on Elko Reservation, 8 overall, 775-738-2650; Te-Moak Bands Tribal Court, 775-738-9251

## **Timbisha Shoshone Tribe**

Joseph Kennedy, Chairman  
P.O. Box 206, Death Valley, CA 92328  
Phone: 760-786-2374, Fax: 760-786-2376  
Website: www.timbisha.org

**Location:** Nevada land base is located near Scotty's Junction on Highway 395 South, Nye County, Nevada, and in Lida, Esmeralda County, Nevada

**Tribal Members:** 261

**Resident Population:** 25

**Governing Body:** Tribal Council  
Terms of office are 1 year  
5 member Tribal Council  
Joe Kennedy, Chairman; Pauline Esteves, Vice-Chairperson;  
Madeline Esteves, Secretary/Treasurer; Angie Boland, Member;  
Erick Mason, Member  
Meetings held 2<sup>nd</sup> Saturday of each month

**Established:** By Act of Congress signed November 1, 2000, to place 5,500 acres of land in Nevada in trust for the Timbisha Shoshone Tribe. No resident population or service programs are currently located on the land. The tribe also has 1,953.99 acres of trust land in California. Primary tribal office is located in Death Valley, California.

**Land Base:** 7,453.99 acres of tribal land (5,500 acres of trust land is in Nevada)

**Government:** Received federal recognition as stated in the federal register of October 6, 1982, as an Indian Tribe. Constitution was approved on January 25, 1986, by the Timbisha Shoshone Tribe General Council.

**Tribal Programs:**

Economic Development	Natural and Cultural Resources
Housing	Health and Social Services
Community Development	Environmental Program

**Tribal Business/Enterprises:** None

**Serviced By:** BIA – Central California Agency, Sacramento, California

**Law Enforcement Agency:** BIA Law Enforcement, 775-265-7540

## Walker River Paiute Tribe

Edmund D. Reymus, Chairman  
P.O. Box 220, Schurz, NV 89427  
Phone: 775-773-2306, Fax: 775-773-2585  
Website: www.wrpt.us

**Location:** Located in Schurz, Mineral County, Nevada. Portions of the reservation are located in Churchill, Lyon, and Mineral Counties, Nevada.

**Tribal Members:** 3,055

**Resident Population:** 900+

**Governing Body:** Tribal Council  
Terms of office are 3 years  
7 member Tribal Council  
Lorreen Sammaripa, Chairperson; Gina Wachsmuth, Vice-Chairperson;  
Priscilla Carreira, Treasurer; Melanie McFalls, Secretary; Lois Jim, Member;  
Charles Quartz, Member; Amber Torres, Member  
Meetings held 2<sup>nd</sup> Thursday of each month  
Elections held every year

### Established:

- March 19, 1859 - by Executive Order
- February 7, 1887 - General Allotment Act (24 Stat. 388)
- May 27, 1902 (32 Stat. 245-260)
- March 15, 1918 - Executive Order #2820
- March 3, 1928 (45 Stat. 160)
- June 26, 1967 - PL 74-748 (48 Stat. 1806)
- June 19, 1972 - by authority of the Act of June 22, 1936 (49 Stat. 1806) supplemented by the Act of September 14, 1961 (75 Stat. 409)

### Land Base:

- 42,880 acres of tribal land - Churchill County
- 45,835 acres of tribal land - Lyon County
- 224,975.34 acres of tribal land - Mineral County
- 1,470 acres of allotted land - Lyon County
- 7,261.78 acres of allotted land - Mineral County
- 320 acres of government owned land - Lyon County
- 644.24 acres of government owned land - Mineral County

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Walker River Paiute Tribe approved March 26, 1937.

### Tribal Programs:

Health Program	Enrollment	VOCA	Senior Center	Land and Water
Air Quality	Economic Program	Tax	Non-Point Source	Human Resources
Coalition	Water Quality	Social Services	Safety of Dams	Housing
Judicial Court	Water Litigation	Substance Abuse	Roads	Fisheries
Education	Water and Sewage	Environmental Program	Law Enforcement	Finance

**Tribal Business/Enterprises:** Smoke Shop, Fireworks, Land Leases, Grazing Permits

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Walker River Tribal Police Department, Geoff Rivera, Chief; 5 officers, 3 trainees, 1 administrative secretary, 775-773-2544

## **Washoe Tribe of Nevada and California**

Waldo Walker, Chairman  
919 Highway 395 South, Gardnerville, NV 89410  
Phone: 775-265-4191, Fax: 775-265-6240  
Website: www.washoetribe.us

**Location:** Territorial jurisdiction and tribal lands are located in Carson City and Douglas County, Nevada, and Alpine County, California. The tribe is comprised of the Carson Colony, Dresslerville Colony, Stewart Community, and Woodfords Colony, along with lands for ranching and some allotment.

**Tribal Members:** 1,550

**Resident Population:** 4 different communities, unsure of the number

**Governing Body:** Tribal Council  
Terms of office are 8 years  
12 member Tribal Council  
Waldo Walker, Chairman; Aaron Smokey, Vice-Chairman; Chad Malone, Ellen Fillmore, Wanda Bachelor, Naureen Smokey-Smith, Darrenee Tenorio, Lorraine Keller, Rebecca Smokey, L. Mark Kaiser, Deen Roberts, Maurina Dressler  
Meetings held 2<sup>nd</sup> Friday of each month

### **Established:**

- February 8, 1891 - under authority of the General Allotment Act (26 Stat. 794), as amended; Public Domain allotments in Washoe, Douglas, and Carson Counties
- Pursuant to the Indian Reorganization Act purchases of the following:
- March 17, 1938 - 404 acres
  - December 15, 1937 - 200 acres
  - April 29, 1937 - 190.57 acres
  - February 2, 1973 - 307.88 acres
  - January 25, 1983 - PL 97-288 set aside 2,983.59 acres

### **Land Base:**

- 4,316.04 acres of tribal land
- 61,318.93 acres of public domain allotments

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Washoe Tribe of Nevada and California approved January 24, 1934. Amended June 1966, January 30, 1980, and June 20, 1990. Tribal Charter ratified February 27, 1937, and amended May 3, 1939.

### **Tribal Programs:**

Health	Native Tenet Program	Human Resources
Education	Judicial System	

**Tribal Business/Enterprises:** 2 Smoke Shops, Chevron Station Market

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Washoe Tribe Police Department, Captain Richard Varneer, 3 police officers, 775-885-8227

**Wells Band Council**  
**An entity of the Te-Moak Tribe of Western Shoshone**

Paula Salazar, Chairperson  
P.O. Box 809, Wells, NV 89835  
Phone: 775-752-3045, Fax: 775-265-6240  
Website: [www.washoetribe.us](http://www.washoetribe.us)

**Location:** Located ¼ mile west of Wells, Elko County, Nevada

**Tribal Members:** 300

**Resident Population:** Unknown, none in Nevada

**Governing Body:** Band Council  
Terms of office are 3 years  
7 member Band Council  
Paula Salazar, Chairperson; Karen Franco, Vice-Chairperson; Aurora Oaboit,  
Glenna Salinas, Bruce Stevens, Alicia Aguilar, Cheryl Pete  
Meetings held every 2 weeks  
Elections held every 3 years in October

**Established:** October 15, 1977, by authority of PL 95-133 setting aside 80 acres

**Land Base:** 80 acres of tribal land

**Government:** Organized under the Constitution and By-Laws of the Te-Moak Tribe of Western Shoshone Indians approved on August 24, 1938, which was organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Amended August 1982.

**Tribal Programs:**

Social Services	Travel	Government
Education	Health	Tribal Court

**Tribal Business/Enterprises:** Wells Smoke Shop

**Serviced By:** BIA – Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** Western Shoshone Department of Public Safety, Joe Gardner, Acting Chief; 3 officers on Elko Reservation, 8 overall, 775-885-8227

## **Winnemucca Colony Council**

Linda Ayer, Chairperson  
P.O. Box 1370, Winnemucca, NV 89446  
Phone: 775-623-0888, Fax: 775-623-6918

**Location:** Located one block west of Bridge Street,  $\frac{3}{4}$  of a mile south of downtown Winnemucca, Humboldt County, Nevada

**Tribal Members:** Unknown

**Resident Population:** Unknown, 25 households on colony

**Governing Body:** 2 Councils in charge  
Colony Council  
5 members  
Linda Ayer, Chairperson; Charlene Gressler, Vice-Chairperson;  
Allen Ambler, Secretary/Treasurer; Laura Ambler, Member;  
Cheryl Apperson-Hill, Member

**Established:**

- June 18, 1917 - Executive Order for 60 acres
- February 8, 1918 - Executive Order for 60 acres
- May 21, 1928 (45 Stat. 618) adding 10 acres
- May 29, 1928 (45 Stat. 899) adding 10 acres

**Land Base:** 340 acres of tribal land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Winnemucca Colony approved March 5, 1971.

**Tribal Programs:** None

**Tribal Business/Enterprises:** Winnemucca Smoke Shop

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** BIA Law Enforcement, 775-265-7540

\* This tribe is currently not recognized by Carson City as being a recognized tribe in Nevada. They are still in court disputing this, and this is why the tribal member and resident population numbers are unknown.

**Woodfords Community Council**  
**An entity of the Washoe Tribe of Nevada and California**

DeAnn Roberts, Chairperson  
96A Washoe Boulevard, Markleeville, CA 96120  
Phone: 530-694-2170, Fax: 530-694-1890

**Location:** Located approximately 5 miles from the Nevada/California border in Alpine/California border in Alpine County, California.

**Tribal Members:** 0 in Nevada

**Resident Population:** 0 in Nevada

**Governing Body:** Community Council  
Terms of office are 4 years  
5 member Community Council  
Meetings held 1<sup>st</sup> Thursday of each month

**Established:** July 31, 1971 - PL 91-362 set aside 80 acres

**Land Base:** 80 acres of tribal land

**Government:** The Community Council is organized under the Articles of Association established pursuant to the Constitution and By-Laws of the Washoe Tribe of Nevada and California approved August 11, 1969.

**Tribal Programs:** Community Council, Education, Recreation Program

**Tribal Business/Enterprises:** None

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada, through the Washoe Tribe of Nevada and California

## Yerington Paiute Tribe

Elwood L. Emm, Chairperson  
171 Campbell Lane, Yerington, NV 89447  
Phone: 775-463-3301, Fax: 775-463-2416

**Location:** Colony is located adjacent to Yerington, Nevada. Ranch is located 2 miles west of U.S. Alternate 95, approximately 10 miles north of Yerington, Lyon County, Nevada.

**Tribal Members:** 1,049

**Resident Population:** 900

**Governing Body:** Tribal Council  
Terms of office are 3 years  
8 member Tribal Council  
Vince Conway, Chairman; Elwood L. Emm, Vice-Chairperson;  
Lindora K. Emm, Secretary of Record; Louina Emm, Member;  
Rita S. Bailey, Member; Reldon Hatch, Member; Marlene Brown, Member;  
Linda Howard, Member  
Meetings held 2<sup>nd</sup> Wednesday of each month  
Elections held every year

### Established:

#### Colony:

- May 18, 1916 - Act of (39 Stat. 123) and (Stat. 143) a purchase of 9.456 acres
- January 16, 1978 - purchase of 1.91 acres

#### Ranch:

- December 10, 1936 by authority of the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Yerington Paiute Tribe approved January 4, 1937.

**Land Base:** Colony: 22.366 acres of tribal land  
Ranch: 1,631.88 acres of tribal land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Yerington Paiute Tribe approved January 4, 1937.

### Tribal Programs:

Social Services	Tribal Library	Elders Program
Johnson O'Malley Program	Enrollment Program	Tribal Housing Department
Americans for Native Americans	Healthy Marriage	Air Quality
Environmental/GAP Program	Judicial Court Program	Water Quality
Wetlands	Education	Health Clinic

**Tribal Business/Enterprises:** Tribal Smoke Shop, Arrowhead Market, Campbell Ranch, Arrowhead Mini Stores, Lease Land to the Rite of Passage School and to Subway

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Yerington Paiute Police Department, John Fielding, Chief; 3 officers, 775-463-9088



## **Yomba Shoshone Tribe**

James W. Birchim, Chairman  
HC61 Box 6275, Austin, NV 89310  
Phone: 775-964-2463, Fax: 775-964-2443

**Location:** Located approximately 55 miles south by improved State Route 21 of Austin at Reese River, Nye County, Nevada

**Tribal Members:** 200

**Resident Population:** 90

**Governing Body:** Tribal Council  
Terms of office are 2 years staggered  
6 member Tribal Council  
James Bircham, Chairman; Alicia Walkerman, Vice-Chairperson;  
Randy Brady, Member; David Smith, Member; Wayne Dyer, Member;  
Ronald Snooks, Member  
Meetings held 2<sup>nd</sup> Friday of each month  
Elections held every year

### **Established:**

June 18, 1934 - by authority of the Indian Reorganization Act (48 Stat. 984) the following were purchased:

- July 10, 1937 - 1,560.86 acres
- November 12, 1937 - 2,200.72 acres
- November 1, 1940 - 480 acres
- February 28, 1941 - 476.91 acres

**Land Base:** 4,718.49 acres of tribal land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Yomba Shoshone Tribe approved December 20, 1939.

**Tribal Programs:** Contracts with BIA and IHS

**Tribal Business/Enterprises:** Fuel Station

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Yomba Shoshone Tribe Police Department, Monte Wilmoth, Chief;  
2 officers, 775-964-2114

# FEDERAL AGENCY CONTACTS



## **FEDERAL AGENCY CONTACTS**

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Alcohol, Tobacco, Firearms &  
Explosives  
200 South Virginia Street, Suite 600  
Reno, NV 89501  
775-784-5251

Bureau of Indian Affairs  
P.O. Box 4119  
Carson City, NV 89702  
Molly Hernandez  
775-882-1521

Bureau of Indian Affairs  
1555 Shoshone Circle  
Elko, NV 89801  
William Coochyouma  
775-738-0574

Bureau of Land Management  
1340 Financial Blvd.  
Reno, NV 89502  
775-861-6400

Drug Enforcement Administration  
8790 Double Diamond Parkway  
Reno, NV 89521  
Shane Murray  
775-327-8916

Federal Bureau of Investigation  
5310 Kietzke Lane, Suite 200  
Reno, NV 89511  
Mark Jenkins  
775-825-6600

Federal Bureau of Investigation  
2363 North Fifth  
Elko, NV 89801  
Jason Benedetti  
James Bonich  
775-738-1880

Immigration and Customs  
Enforcement  
Office of Investigations  
1755 E. Plumb Lane, Suite 229  
Reno, NV 89502  
775-784-5727

Immigration and Customs  
Enforcement  
Deportation Office  
1351 Corporate Blvd.  
Reno, NV 89502  
775-784-5170

Internal Revenue Service  
200 South Virginia Street, Suite 105  
Reno, NV 89501  
775-325-9390

United States Attorney's Office  
100 West Liberty Street, Suite 600  
Reno, NV 89501  
Sue Fahami  
775-784-5438

United States Probation Office  
400 South Virginia Street, Suite 103  
Reno, NV 89501  
775-686-5980